federal register

TUESDAY, MAY 15, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 93

Pages 12723–12789

PART I

(Part II begins on page 12783)

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.

(Continued inside)

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.

federal register

Area Code 202 Phone 962–8626

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

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Contents

(Continued on next page)

List of CFR Parts Affected

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

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

Rules and Regulations

Title 7—Agriculture

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

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U.S. Standards for Inspection by Variables

Correction

In FR Doc. 73-7911 appearing at page 10446 in the issue for Friday, April 27, 1973, the following changes should be made:

1. In the preamble:

a. In paragraph (2) under Statement of consideration leading to the new standards, the figure "LWL$\bar{x}$" in the last line should read "LWL$\bar{x}$".

b. In the paragraph immediately following paragraph (3) the word "units" in the seventh line should read "unit".

c. In paragraph (4) the word "valuables" in the second line should read "values".

2. In § 52.204 make the following changes: The second item defined, reading "LRL$\bar{x}$" should read "LRL$\bar{x}$"; the 15th item defined, "s$\bar{x}$", should read "s$_{\bar{x}}$"; the 17th item defined, "URL$\bar{x}$", should read "URL$\bar{x}$"; and the 19th item defined, "UWL$\bar{x}$", should read "UWL$\bar{x}$". In the seventh line of that definition "URL$\bar{x}$" should read "URL$\bar{x}$".

3. In § 52.205(b)(4) the figure "$\bar{M}$i" in the first line should read "Mi".

4. In § 52.207(c)(5) in the sixth line the figure "$\bar{X}$" should read "X".

5. In § 52.209:

a. In the second line of paragraph (a)(1)(ii), "LRL$\bar{x}$" should read "LRL$_{\bar{x}}$".

b. In paragraph (b)(2)(ii) the figure "$\bar{X}''_{min}$" in the first line should read "$\bar{X}'_{min}$".

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

United States Standards for Determination of Fill Weights

Correction

In FR Doc. 73-7912 appearing at page 10449 of the issue for Friday, April 27, 1973, make the following changes:

1. In the third line of the first paragraph and the eighth line of the second paragraph of the preamble, the word "Bill" should read "Fill".

2. On page 10450, in the ninth line of the paragraph immediately following the Note, the word "ad" should read "and".

3. In § 52.225:

a. In paragraph (a), in the fourth line "LRL$\bar{x}$" should read "LRL$_{\bar{x}}$", and in the ninth line "LWL$\bar{x}$" should read "LWL$_{\bar{x}}$". The 12th line should read "ing each limit $\bar{X}_{min}$, LWL$_{\bar{x}}$, LRL$_{\bar{x}}$, LWL". In the penultimate line "WL$_{\bar{x}}$, RL$_{\bar{x}}$" should read "WL$_{\bar{x}}$, RL$_{\bar{x}}$", respectively.

b. In paragraph (d) in the ninth line "$\bar{X}$" should read "$\bar{X}$".

4. In the second line of § 52.228(a)(1), "$\bar{X}_{min}$" should read "$\bar{X}'_{min}$".

5. In § 52.231, in the second line of paragraph (a) "LWL$\bar{x}$" should read "LWL$_{\bar{x}}$"; in the third line of paragraph (a)(1), "LWL$\bar{x}$ and LRL$\bar{x}$" should read "LWL$_{\bar{x}}$ and LRL$_{\bar{x}}$".

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U.S. Standards for Determination of Fill Weights; Correction

In FR Doc.73-7912, appearing at page 10449 in the issue of April 27, 1973, the following changes should be made:

1. In § 52.231(c), page 10451, 12th and 13th lines, delete the word "proposed".

2. In § 52.232(a), page 10452, sixth line, delete the word "proposed".

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Dated May 9, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-9496 Filed 5-14-73;8:45 am]

PART 201—FEDERAL SEED ACT REGULATIONS

Rules for Testing

Pursuant to section 402 of the Federal Seed Act, as amended (7 U.S.C. 1551 et seq.) and the administrative procedure provisions in 5 U.S.C. 553, there was published in the FEDERAL REGISTER (36 FR 11451) on June 12, 1971, a notice of rule-making and hearing with respect to proposed amendments to the regulations (7 CFR part 201, as amended) relating to the rules for testing of seed under said act.

Interested persons were given an opportunity to present views orally at a hearing or to submit written comments regarding the proposals. Over 3,000 copies of the proposals were distributed to the trade and Government organizations. Oral and written comments were submitted by 12 persons, groups, or organizations. Five of the comments supported the proposed amendments as published. Seven comments proposed modifications, several of which have been adopted.

Some of the comments and the Department's responses are as follows:

A. *Soybean seed.*—The Association of Official Seed Analysts recommended that the definition for pure seed (§ 201.48(b)) be modified with respect to soybean seed to more clearly show when separated cotyledons shall be considered pure seed. The recommendation will help clarify the definition and has been adopted.

B. *Lettuce seed.*—Several comments recommended that "necrosis" in lettuce seedlings, be changed to "physiological necrosis," and that "decay" be changed to "injury" wherever the term appears. The recommendations will help clarify the terms and have been adopted.

Some comments recommended that in making seedling interpretations on lettuce (§ 201.56-2(a)) no magnification be prescribed. Magnification is needed to make accurate and uniform interpretations. The photographs which are to be used as visual aids in the interpretation of lettuce seedlings show the seedlings enlarged more than seven times. Further, 7x hand lenses are recognized seed testing equipment and are commonly used in seed testing procedures. For these reasons, the recommendation to delete the magnification provision is not being adopted.

C. *Editorial changes.*—Editorial changes have been made to correct certain names and specifications in tables 1 and 2.

Therefore, having considered the hearing record, the oral and written comments, and other relevant information, it is concluded that the proposed amendments, with changes indicated above, should be and are adopted as set forth below:

In § 201.46 Weight of working sample, table 1 is amended to read:

* * * * *

TABLE 1—WEIGHT OF WORKING SAMPLE

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Grams	*Grams*	*Number*
AGRICULTURAL SEED			
Bahiagrass—*Paspalum notatum:*			
Var. Pensacola		500	600
Beet, field—*Beta vulgaris*		500	
Beet, sugar—*Beta vulgaris*		500	
Bentgrass:			
Colonial (incl. Astoria and Highland)—*Agrostis tenuis*	¼	2.5	13,000
Creeping—*Agrostis palustris*	¼	2.5	18,515
Velvet—*Agrostis canina*	¼	2.5	18,180
Bermudagrass—*Cynodon dactylon*		10	3,930
Bermudagrass, giant—*Cynodon dactylon* var. *aridus*		10	2,950
Bluegrass:			
Bulbous—*Poa bulbosa*	4	40	585
Canada—*Poa compressa*	½	5	5,050
Glaucantha—*Poa glaucantha*	1	10	
Kentucky (all vars.)—*Poa pratensis*	1	10	3,060
Nevada—*Poa secundaria*		10	
Rough—*Poa trivialis*	½	5	4,610
Texas—*Poa arachnifera*		10	
Wood—*Poa nemoralis*	½	5	4,330
Bluestem:			
Big—*Andropogon gerardi*		70	320
Little—*Andropogon scoparius*			825
Sand—*Andropogon hallii*		100	215
Yellow—*Andropogon ischaemum*	1	10	1,945
Brome:			
Field—*Bromus arvensis*			465
Mountain—*Bromus marginatus*		200	
Smooth—*Bromus inermis*		70	315
Broomcorn—*Sorghum vulgare* var. *technicum*		400	
Buckwheat—*Fagopyrum esculentum*		500	
Buffalograss—*Buchloe dactyloides:*			
(Burs)		200	
(Caryopses)		30	
Bufflograss—*Pennisetum ciliare:*			
(Fascicles)	6	60	355
(Caryopses)		20	
Burclover, California—*Medicago hispida* (in bur)		500	
Burclover, California—*Medicago hispida* (out of bur)		70	
Burclover, spotted—*Medicago arabica* (in bur)		500	
Burnet, little—*Sanguisorba minor*		250	
Buttonclover—*Medicago orbicularis*		70	
Canarygrass—*Phalaris canariensis*		200	
Canarygrass, reed—*Phalaris arundinacea*		20	1,185
Carpetgrass—*Axonopus affinis*		10	2,230
Clover:			
Alsike—*Trifolium hybridum*		20	
Cluster—*Trifolium glomeratum*		10	
Crimson—*Trifolium incarnatum*		100	
Kenya—*Trifolium semipilosum*		20	
Ladino—*Trifolium repens*		20	
Lappa—*Trifolium lappaceum*		20	
Large hop—*Trifolium procumbens* (*T. campestre*)		10	
Persian—*Trifolium resupinatum*		20	
Rose—*Trifolium hirtum*		70	
Small hop (Suckling)—*Trifolium dubium*		20	
Sub—*Trifolium subterraneum*		250	
White—*Trifolium repens*		20	
Crambe—*Crambe abyssinica*	25	250	
Crested dogtail—*Cynosurus cristatus*		20	
Crotalaria:			
Lance—*Crotalaria lanceolata*		70	
Showy—*Crotalaria spectabilis*		250	
Slenderleaf—*Crotalaria intermedia*		100	
Striped—*Crotalaria striata* (*C. mucronata*)		100	
Crownvetch—*Coronilla varia*		100	
Dallisgrass—*Paspalum dilatatum*		40	620

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
	Grams	*Grams*	*Number*
AGRICULTURAL SEED—continued			
Dropseed, sand—*Sporobolus cryptandrus*	¼	2.5	12,345
Fescue:			
Chewings—*Festuca rubra* var. *commutata*	3	30	900
Hair—*Festuca capillata*		10	
Hard—*Festuca ovina* var. *duriuscula*	3	30	1,305
Meadow—*Festuca elatior*			495
Red—*Festuca rubra*	3	30	900
Sheep—*Festuca ovina*		20	
Tall—*Festuca arundinacea*			455
Flax—*Linum usitatissimum*		150	
Grama:			
Blue—*Bouteloua gracilis*	6	30	1,595
Side-oats—*Bouteloua curtipendula* (Other than caryopses)		60	350
(Caryopses)		20	
Guineagrass—*Panicum maximum*		30	
Hardinggrass—*Phalaris tuberosa* var. *stenoptera*		30	
Hemp—*Cannabis sativa*		500	
Indiangrass, yellow—*Sorghastrum nutans*		70	365
Indigo, hairy—*Indigofera hirsuta*		70	
Japanese lawngrass—*Zoysia japonica*	2	20	1,325
Johnsongrass—*Sorghum halepense*	10	100	265
Kudzu—*Pueraria thunbergiana*		250	
Lentil—*Lens culinaris*	120	500	14–28
Lespedeza:			
Sericea or Chinese—*Lespedeza cuneata* (L. sericea)		30	
Siberian—*Lespedeza hedysaroides*		30	
Lovegrass, sand—*Eragrostis trichodes*		10	3,585
Lovegrass, weeping—*Eragrostis curvula*		10	3,270
Manilagrass—*Zoysia matrella*		20	
Meadow foxtail—*Alopecurus pratensis*	3	30	865
Millet:			
Browntop—*Panicum ramosum*	8	80	315
Foxtail, such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*			480
Millet:			
Japanese—*Echinochloa crusgalli* var. *frumentacea*	9	90	315
Pearl—*Pennisetum glaucum*			180
Proso—*Panicum miliaceum*			185
Molassesgrass—*Melinis minutiflora*		5	7,750
Mustard:			
Black—*Brassica nigra*		20	
Oatgrass, tall—*Arrhenatherum elatius*	6	60	415
Orchardgrass—*Dactylis glomerata*	3	30	945
Panicgrass, blue—*Panicum antidotale*		20	1,370
Panicgrass, green—*Panicum maximum* var. *trichoglume*	2	20	1,305
Rape:			
Annual—*Brassica napus* var. *annua*		70	
Bird—*Brassica campestris*		70	
Winter—*Brassica napus* var. *biennis*		100	
Redtop—*Agrostis alba*	¼	2.5	10,695
Rescuegrass-*Bromus catharticus*		200	115
Rhodesgrass—*Chloris gayana*		10	
Ricegrass, Indian—*Oryzopsis hymenoides*	7	70	355
Ryegrass:			
Annual (Italian)—*Lolium multiflorum*			420
Perennial—*Lolium perenne*			530
Saltdoin—*Onobrychis viciaefolia*		500	
Sesame—*Sesamum indicum*		70	
Sesbania—*Sesbania exaltata*		250	
Smilo—*Oryzopsis miliacea*		20	
Sorghum—*Sorghum vulgare*		500	55
Sorghum almum—*Sorghum almum*			150
Sorghum—sudangrass hybrid—*S. vulgare* x *S. sudanense*		500	55
Sorgrass[1]		150	135
Sudangrass—*Sorghum sudanense*		250	100

TABLE 1—WEIGHT OF WORKING SAMPLE—Continued

Name of seed	Minimum weight for purity analysis	Minimum weight for noxious-weed seed examination	Approximate number of seeds per gram
AGRICULTURAL SEED—continued	*Grams*	*Grams*	*Number*
Sweet vernalgrass—*Anthoxanthum odoratum*		20	
Switchgrass—*Panicum virgatum*	4	40	57
Timothy—*Phleum pratense*	1	10	2,565
Tobacco—*Nicotiana tabacum*		5	
Trefoil:			
Big—*Lotus uliginosus (L. major)*		20	
Birdsfoot—*Lotus corniculatus*		30	
Triticale—*Triticosecale*	100	500	
Vaseygrass—*Paspalum urvillei*		30	
Veldtgrass—*Ehrharta calycina*		40	
Velvetgrass—*Holcus lanatus*		10	
Vetch:			
Narrowleaf—*Vicia angustifolia*		500	
Wheatgrass:			
Beardless—*Agropyron inerme*	8	80	275
Fairway crested—*Agropyron cristatum*	4	40	685
Intermediate—*Agropyron intermedium*	15	150	175
Pubescent—*Agropyron trichphorum*	15	150	180
Slender—*Agropyron trachycaulum*		70	295
Tall—*Agropyron elongatum*		150	165
Western—*Agropyron smithii*		100	250
Wildrye:			
Canada—*Elymus canadensis*	11	110	190
Russian—*Elymus junceus*	6	60	300
VEGETABLE SEED			
Burdock, great—*Arctium lappa*		150	
Cabbage, tronchuda—*Brassica oleracea* var. *tronchuda*		100	
Chives—*Allium schoenophrasum*	5	50	

2. Section 207.47(e) is amended to read as follows:

§ 201.47 Separation.

* * * * *

(e) The uniform method as adopted by the Association of Official Seed Analysts, as amended effective October 1, 1970, shall be used for the separation of pure seed and inert matter in seeds of Kentucky bluegrass, "Pensacola" variety of bahiagrass and orchardgrass.

3. Section 201.48 (b) and (i) are amended to read, respectively, as follows:

§ 201.48 Kind or variety considered pure seed.

* * * * *

(b) Pieces of broken and otherwise damaged seeds that are larger than one-half of the original size, except as provided in paragraph (i) of this section. (This excludes separated cotyledons of cowpea, peanut, and soybean, commonly referred to as "splits," irrespective of whether or not the radicle-plumule axis and/or more than half of the seed coat may be attached. In the case of soybean seed, if the two cotyledons are broken apart but held together by the seed coat, the seed shall be classed as pure seed. If only one cotyledon is in the seed coat, the seed shall be classed as inert.)

* * * * *

(i) Insect-damaged seeds, provided that the damage is entirely internal, or that the opening in the seed coat is not sufficiently large to allow the size of the remaining mass of tissue to be readily determined. Weevil-infested vetch seeds, irrespective of the amount of insect damage, are to be considered pure seed unless they are broken pieces one-half or less than the original size. This provision is not applicable to chalcid-damaged seed (see § 201.51(a)(4)).

* * * * *

4. Section 201.50 is amended by inserting the following before the parenthetical last sentence:

§ 201.50 Weed seed.

* * * For species having seeds larger than *Juncus* (excluding *Xanthium*) the individual seeds are to be removed from fruiting structures. The seeds are placed with the weed seed and the remaining fruiting structures are placed in inert matter. * * *

5. Section 201.51(a) (1) and (5) are amended to read, respectively, as follows:

§ 201.51 Inert matter.

* * * * *

(a) * * *

(1) Pieces of broken or otherwise damaged seeds one-half the original size or less. Included are separated cotyledons of cowpea, peanut and soybean commonly referred to as "splits", irrespective of whether or not the radicle-plumule axis and/or more than half of the seed coat may be attached. (See § 201.48 (b) and (i)).

* * * * *

(5) Seed units of grasses in which the caryopses are replaced by nematode galls, or by fungus bodies such as smut balls or ergot sclerotia.

* * * * *

6. Section 201.56–2(a) is amended to read as follows:

§ 201.56–2 Sunflower family (compositae).

* * * * *

(a) Lettuce: The interpretations of lettuce seedlings are made only at the end of the test period. When used to describe seedling structures "normal length" means that length attained by a vigorous sample of the same variety of lettuce as the one being tested when both are placed under the same test conditions. Physiological necrosis of cotyledons is frequently manifested by softened, grayish, blackish, or reddish areas and should not be confused with natural pigmentation. Seedlings with extensive physiological necrosis and/or injured areas on the cotyledons are slower in growth and tend to be shorter than seedlings without such damage. It is not necessary to distinguish between necrotic areas and injury caused by fungi and bacteria since the interpretation is the same for all conditions. Seedlings interpretations are to be made with not more than a 7 × magnification. Colored photographs of lettuce cotyledons are to be used as guides for classification. These photographs may be obtained from the U.S. Department of Agriculture, Agricultural Marketing Service, Grain Division, Seed Branch, South Laboratory Building, Agricultural Research Center, Beltsville, Md. 20705.

(1) Normal seedlings include those that have: (i) Long, vigorous roots, over half the usual length for vigorous seedlings; (ii) long, vigorous hypocotyls, over half the usual length for vigorous seedlings, with no cracks or lesions extending into the central conducting tissue; (iii) two cotyledons either free of injury or with less than half the total cotyledon surface covered by physiological necrosis or injured areas (the hypocotyl and root should be more than half normal length); and (iv) an epicotyl entirely free of injury.

(2) Abnormal seedlings include those that have: (i) No roots, or roots clearly less than half normal length with root tips blunt, swollen, or discolored; (ii) hypocotyls clearly less than half normal length, or severely twisted or grainy, or with cracks or lesions extending into the central conducting tissue; (iii) only one cotyledon, or cotyledons with half or more than half their total area necrotic or injured (the hypocotyl and root are usually less than half normal length), or swollen cotyledons (usually grayish or darkened) with extremely short or vestigial hypocotyl and root (see coat usually adhering to cotyledons); (iv) no epicotyl or an epicotyl with any degree of injury or physiological necrosis.

* * * * * *

7. Section 201.57a is amended to read as follows:

§ 201.57a Dormant seeds.

Dormant seeds are viable seeds, (excluding hard seeds) which fail to germinate when provided the specified germination conditions for the kind of seed in question. Viability of ungerminated seeds may be determined by a cutting or tetrazolium test, application of germination promoting chemical, or any other appropriate method or combination of methods.

§ 201.58 [Amended]

8. Section 201.58(b) is amended by deleting subparagraph (7).

9. Section 201.58(b)(3) is amended by

adding at the end of the subparagraph the following: "Sugar beets may require 16 hours soaking in water at 25° C., followed by rinsing and then drying for 2 hours at room temperature."

10. Section 201.58(b)(10) is amended by adding the following sentence: "If there are over 75 percent normal fluorescent seedlings present at the time of the first count, break the contact of the roots of the nonfluorescent seedlings from the substratum and reread the fluorescence at the time of the final count."

11. Section 201.58(c)—*Table 2; germination requirements for indicated kinds*—Is amended as listed below:

AGRICULTURAL SEED

Bentgrass:	
Colonial (including Astoria and Highland) *Agrostis tenuis*	Col. 3—add "; 15–25" after "10–30."
Creeping—*Agrostis palustris*	Col. 3—add "; 15–25" after "10–30."
Bluegrass:	
Canada—*Poa compressa*	Col. 3—add "15–25;" before "15–30."
Glaucantha—*Poa glaucantha*	Col. 3—add "15–25;" before "15–30."
Kentucky (all vars.—Poa pratensis)	Col. 3—delete "15–30."
Brome:	
Field—*Bromus arvensis*	Col. 3—reverse to read "15–25; 20–30."
Dropseed, sand—Sporobolus cryptandrus	Col. 3—add "5–35;" before "15–35." Col. 5—delete "42"; add "28." Col. 7—delete present wording. Rewrite as follows: "Prechill at 5° C. for 4 weeks."
Fescue:	
Meadow—*Festuca elatior*	Col. 3—add "; 20–30" after "15–25."
Tall—*Festuca arundinacea*	Col. 3—add "; 20–30" after "15–25."
Beneath "Hardinggrass—*Phalaris tuberosa* var. *stenoptera*," insert "Hardinggrass (alternate method."	Col. 2—insert "P." Col. 3—insert "15–25." Col. 4—insert "7." Col. 5—insert "14." Col. 6—insert "light; KNO_3 presoak at 15° C. for 24 hours." Col. 7—presoak at 15° C. for 24 hours.
Millet:	
Browntop—*Panicum ramosum*	Col. 2—add ", T" after "P." Col. 3—add "; 30" after "20–30."
Add *Alternate method* and insert in	Col. 2—"B, P, T." Col. 3—"5–35." Col. 4—"4." Col. 5—"14." Col. 6—"Light; KNO_3."
Foxtail—such as Common, White Wonder, German, Hungarian, Siberian, or Golden—*Setaria italica*	Col. 3—change to read "15–30; 20–30."
Orchardgrass—*Dactylis glomerata*	Col. 3—delete "20–30."
Peanut—*Arachis hypogaea*	Col. 7—delete "Test at 30° C."
Ricegrass, Indian—*Oryzopsis hymenoides*	Col. 2—delete "P"; add "S." Col. 3—add "; 5–15" before "15"; add "; 15–25" after "15." Col. 5—delete "42"; add "28." Col. 7—delete present wording. Rewrite as follows: "Dark; prechill in soil at 5° C. for 4 weeks."
Ryegrass:	
Annual (Italian)—*Lolium multiflorum*	Col. 3—delete "20–30";
Perennial—*Lolium perenne*	Col. 3—delete "20–30;"
Sudangrass—*Sorghum sudanense*	Col. 3—add "; 15–30" after "20–30."
Timothy—*Phleum pratense*	Col. 3—reverse to read "15–25; 20–30."
Wheatgrass:	
Fairway crested—*Agropyron cristatum*	Col. 3—add "; 20–30" after "15–25."
Standard crested—*Agropyron desertorum*	Col. 3—add "; 20–30" after "15–25."
Pubescent—*Agropyron trichophorum*	
Add *Alternate method* and insert in	Col. 2—"P." Col. 3—"20–30." Col. 4—"5." Col. 5—"28." Col. 6—"Light." Col. 7—"Do."

AGRICULTURAL SEED—Continued	
Tall—*Agropyron elongatum*	
Add *Alternate method* and insert in	Col. 2—"P." Col. 3—"20–30." Col. 4—"5." Col. 5—"21." Col. 6—"Light." Col. 7—"Do."
VEGETABLE SEED	
Burdock, great—*Arctium lappa*	Col. 5—delete "21"; add "14."
Lettuce—*Lactuca sativa*	Col. 6—delete "for at least ½ hour."

12. Section 201.58a is amended by adding the following paragraph:

§ 201.58a Indistinguishable seed.

* * * * *

(c) *Wheat.* In determining the varietal purity, the phenol method may be used according to the procedure given in the Association of Official Seed Analysts, Handbook No. 28 "A Standardized Phenol Method for Testing Wheat Seed for Varietal Purity", June 1965.

13. Following § 201.58b a new section is added as follows:

§ 201.58c Detection of captan, mercury, or thiram on seed.

The bioassay method may be used according to the procedure given in Association of Official Seed Analysts, Handbook No. 26, "Microbiological Assay of Fungicide-treated Seeds", May 1964.

(Sec. 402, 53 Stat. 1285; 7 U.S.C. 1592; 37 FR 28464, 28476.)

Effective date.—These amendments shall become effective June 14, 1973.

Done at Washington, D.C., on May 8, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-9410 Filed 5-14-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 36—EXPORT AND IMPORT OF BYPRODUCT MATERIAL

Reduction of Restrictions on Tritium Exports

The Commission has amended regulation 10 CFR part 36, Export and Import of Byproduct Material, to reduce the restrictions on export, under general license, of tritium in labeled organic compounds to certain Soviet bloc countries. This action was taken in response to a petition for rulemaking by New England Nuclear Corp. The effect of the amendment is to permit the export, under general license, of tritium in labeled organic compounds, without restriction as to the specific amount of tritium in the compound, to the specified Soviet bloc countries. The restriction of 10 curies of tritium in a single shipment has been replaced by a restriction of 100 curies per shipment.

The Commission has found that the export of tritium, in the form of labeled organic compounds, and in the quantities permitted to be exported in a single shipment, to the specified Soviet bloc destinations would not be inimical to the common defense and security. The amendment will have the effect of reducing export controls on East-West trade with respect to nonstrategic items, consistent with Government policy, and of enabling U.S. companies to compete more effectively with other NATO countries.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment to title 10, chapter I, Code of Federal Regulations, part 36, is published as a document subject to codification, to be effective on May 15, 1973.

Paragraph (b) of § 36.24 is amended to read as follows:

§ 36.24 Export of certain byproduct material to certain schedule A countries and Poland and Rumania.

* * * * *

(b) A general license designated AEC–GL–3624b is hereby issued authorizing any licensee of the Commission or of an agreement state to export from the United States tritium covered by his license in labeled organic compounds, to Rumania and Poland and to any foreign country or destination listed in § 36.50, schedule A, except East Germany (Soviet Zone of Germany and the Soviet sector of Berlin); China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory; the present Port Arthur Naval Base Area and Liaoning Province); North Korea; Communist-controlled area of Vietnam; and Cuba. No single shipment of tritium in labeled organic compounds exported pursuant to the general license of this paragraph shall exceed 100 curies.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 220.)

Dated at Germantown, Md., this 9th day of May 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary
of the Commission.

[FR Doc.73-9592 Filed 5-14-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	5¾	May 1, 1973
New York	5¾	May 4, 1973
Philadelphia	5¾	Apr. 23, 1973
Cleveland	5¾	Do.
Richmond	5¾	Do.
Atlanta	5¾	Do.
Chicago	5¾	Apr. 27, 1973
St. Louis	5¾	Do.
Minneapolis	5¾	Apr. 23, 1973
Kansas City	5¾	Do.
Dallas	5¾	Apr. 27, 1973
San Francisco	5¾	Do.

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6¼	May 1, 1973
New York	6¼	May 4, 1973
Philadelphia	6¼	Apr. 23, 1973
Cleveland	6¼	Do.
Richmond	6¼	Do.
Atlanta	6¼	Do.
Chicago	6¼	Apr. 27, 1973
St. Louis	6¼	Do.
Minneapolis	6¼	Apr. 23, 1973
Kansas City	6¼	Do.
Dallas	6¼	Apr. 27, 1973
San Francisco	6¼	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston[1]	7¼	May 1, 1973
New York	7¼	May 4, 1973
Philadelphia	7¼	Apr. 23, 1973
Cleveland	7½	Do.
Richmond[1]	7¼	Do.
Atlanta[1]	7¼	Do.
Chicago[1]	7¼	Apr. 27, 1973
St. Louis[1]	7¼	Do.
Minneapolis[1]	7¼	Apr. 23, 1973
Kansas City[1]	7¼	Do.
Dallas[1]	7¼	Apr. 27, 1973
San Francisco	7¼	Do.

[1] A rate of 5½ percent was approved, effective on the indicated dates on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, April 20, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9441 Filed 5-14-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-5-AD; Amdt. 39-1638]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10, DC-10-30, DC-10-30F, DC-10-40 Airplanes

There have been incidents wherein fluid loss in one hydraulic system has induced a failure in a second hydraulic system. The cause of the second failure has been determined to be mechanical vibration resulting from cavitation of the rudder nonreversible motor pumps. An additional failure in the remaining hydraulic system following the dual failure can result in loss of flight control capability of the airplane.

Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive (AD) is being issued to require modifications to the hydraulic system to minimize the possibility of a dual failure occuring in the aircraft hydraulic systems.

Compliance times differ in the AD, based upon the type of aircraft operation. The agency has determined that the capability for aircraft to land at a suitable airport without undue exposure to further difficulty is significant.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) section 39.13 of part 39 of the Federal Aviation regulations is amended by adding the following airworthiness directive:

MCDONNELL DOUGLAS. Applies to model DC-10-10, DC-10-30, DC-10-30F, and DC-10-40 airplanes.

Compliance required as follows unless already accomplished:

(A) Within 1200 hours time in service after the effective date of this AD, for those aircraft not operated in flight more than 30 minutes flight time to a landing at a suitable airport as defined in FAR 121.197.

(B) Within 300 hours time in service after the effective date of this AD, for those aircraft operated in flight more than 30 minutes flight time to a landing at a suitable airport as defined in FAR 121.197.

To prevent hydraulic fluid loss in the rudder standby power hydraulic system loops from inducing an additional failure in an adjacent second hydraulic system and to maintain flight control system margin capability, accomplish the following:

1. Install restrictors in the inlet to the motor side of the nonreversible motor pumps per McDonnell Douglas service bulletin 29-40, dated January 9, 1973, or later FAA-approved revisions or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

2. Modify hydraulic piping in the 2-1 nonreversible motor pump system per McDonnell Douglas service bulletin 29-46, dated March 9, 1973, or later FAA-approved revisions or an equivalent modification approved by the Chief, Aircraft Engineering Division, FAA, Western Region.

3. In order to prevent nonreversible motor pump cavitation, install a system approved by the Chief, Aircraft Engineering Division, FAA Western Region, to provide inflight capability to shut off hydraulic flow to motor side of the nonreversible motor pumps.

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

This amendment becomes effective May 15, 1973.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

Issued in Los Angeles, California on May 4, 1973.

[FR Doc.73-9641 Filed 5-14-73;8:45 am]

[Airspace Docket No. 73-SW-18]

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

Alteration of Transition Area

The purpose of this amendment to part 71 of the Federal Aviation regulations is to alter the Lufkin, Tex., transition area.

On March 21, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 7401) stating the Federal Aviation Administration proposed to alter the Lufkin, Tex., transition area.

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

In consideration of the foregoing, part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

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

LUFKIN, TEX.

That airspace extending upward from 700 ft above the surface within 8 miles east and 5 miles west of the Lufkin VOR 157° radial, extending from the VOR to 12 miles southeast; within 5 miles each side of the Lufkin VOR 337° radial extending from the VOR to 11 miles northwest and within 2 miles each side of the 254° bearing from the Angelina County Airport (lat. 31°14'05" N., long. 94°45'00" W., extending to 6 miles west of the airport.

Issued in Fort Worth, Tex., on May 3, 1973.

(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).)

R. V. REYNOLDS,
Director,
Southwest Region.

[FR Doc.73-9544 Filed 5-14-73;8:45 am]

[Airspace Docket No. 73-WE-2]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of VOR Federal Airways and Jet Routes

On February 23, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 4981) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation regulations that would revoke Victor Airway 264 between Parker, Calif., and Prescott, Ariz., and alter J-4, J-10, J-50, J-104, and J-134 in the Los Angeles and Albuquerque Air Route Traffic Control Centers' areas.

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, parts 71 and 75 of the Federal Aviation regulations are amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

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

In V-264 "Parker, Calif.; 35 miles, 60 miles, 95 MSL, Prescott, Ariz.;" is deleted and "Parker, Calif. From Prescott, Ariz.;" is substituted therefor.

Section 75.100 (38 FR 681) is amended as follows:

1. In J-4 "From Los Angeles, Calif., via Ontario, Calif.; intersection of the Ontario 093° and the Blythe, Calif 282° radials; Blythe; intersection Blythe 096° and Casa Grande, Ariz., 294° radials; Casa Grande;" is deleted and "From Los Angeles, Calif., via intersection of Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 103° and Casa Grande, Ariz., 299° radials; Casa Grande"; is substituted therefor.

2. In J-10 "From Los Angeles, Calif., via Ontario, Calif., intersection of the

Ontario 093° and Parker, Calif., 261° radials; Parker; Prescott, Ariz.;" is deleted and "From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 075° and Prescott, Ariz., 262° radials; Prescott;" is substituted therefor.

3. In J–50 "From San Simon, Ariz., via" is deleted and "From Los Angeles, Calif., via Ontario, Calif; intersection Ontario 093° and Blythe, Calif. 282° radials; Blythe; intersection Blythe 096° and Gila Bend, Ariz., 299° radials; Gila Bend; Casa Grande, Ariz.; San Simon, Ariz.;" is substituted therefor.

4. In J–104 "From Blythe, Calif., via intersection Blythe 096° and Gila Bend, Ariz., 299° radials; Gila Bend," is deleted and "From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection Twentynine Palms 103° and Gila Bend, Ariz., 312° radials; Gila Bend;" is substituted therefor.

5. In J–134 "From Los Angeles, Calif., via Ontario, Calif.; intersection of the Ontario 093° and the Parker, Calif., 261° radials; Parker; Prescott, Ariz., intersection Prescott 084° and Gallup, N. Mex., 246° radials; Gallup;" is deleted and "From Los Angeles, Calif., via intersection Los Angeles 083° and Twentynine Palms, Calif., 269° radials; Twentynine Palms; intersection of Twentynine Palms 075° and Parker, Calif., 062° radials; intersection Parker 062° and Winslow Ariz., 265° radials; Winslow; Gallup, N. Mex.;" 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 May 4, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-9547 Filed 5-14-73;8:45 am]

[Airspace Docket No. 73-NW-14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to part 73 of the Federal Aviation regulations is to consolidate and reduce the volume of restricted area R–3202, Sailor Creek, Idaho. Additionally, minor changes in description, resulting from consolidation of the airspace, are effected.

The Department of the U.S. Air Force has requested that subarea A of R–3202 be incorporated into subarea B and that the consolidated area be designated as subarea A. Previously designated subareas C and D would then be redesignated as subareas B and C respectively. The upper altitude limit of the new subarea A would be lowered from flight level 240 to flight level 180 thereby reducing the overall volume of special use airspace and releasing this airspace for use by nonparticipating aircraft.

This reduction of restricted airspace is a minor amendment in which the public is not particularly interested, therefore, notice and public procedure hereon are unnecessary. However, in order to make the unneeded airspace available to the public as soon as possible, the amendment may be effective in less than 30 days notice.

In consideration of the foregoing, part 73 of the Federal Aviation regulations is amended, effective May 15, 1973.

In § 73.32 (38 FR 648 and 1273) restricted area R–3202, Sailor Creek, Idaho, is amended as follows:

R–3202 SAILOR CREEK, IDAHO

SUBAREA A

Boundaries.—Beginning at latitude 42°53'-00" N., longitude 115°42'20" W.; to latitude 42°53'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°24'15" W.; to latitude 42°36'00" N., longitude 115°-42'20" W.; to point of beginning.

Designated altitudes.—Surface to flight level 180.

Time of designation.—Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency.—FAA, Salt Lake ARTC Center.

Using agency.—Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA B

Boundaries.—Beginning at latitude 42°36'-00" N., longitude 115°37'00" W.; to latitude 42°36'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°33'00" N., longitude 115°-37'00" W.; to point of beginning.

Designated altitudes.—Surface to 14,000 ft MSL.

Time of designation.—Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency.—FAA, Salt Lake City ARTC Center.

Using agency.—Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

SUBAREA C

Boundaries.—Beginning at latitude 42°-33'00" N. longitude 115°37'00" W.; to latitude 42°33'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°30'00" W.; to latitude 42°07'00" N., longitude 115°37'00" W.; to point of beginning.

Designated altitudes.—Surface to 11,000 ft MSL.

Time of designation.—Sunrise to 8 hours after sunset, Monday through Friday.

Controlling agency.—FAA, Salt Lake City ARTC Center.

Using agency.—Commander, 366th Tactical Fighter Wing, Mountain Home AFB, Idaho.

(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 May 7, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-9545 Filed 5-14-73;8:45 am]

[Airspace Docket No. 73-WA-21]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to part 73 of the Federal Aviation regulations is to change the titles of restricted areas R–5107A, B, C, D, E, F and G, R–5109A and B, and R–5116A and B; and to change the time of designation for restricted areas R–5111A and R–5111B.

The titles assigned to restricted areas R–5107A, B, C, D, E, F, and G, R–5109A and B, and R–5116A and B are now recorded in part 73 of the Federal Aviation regulations as either White Sands Proving Grounds, N. Mex., or White Sands, N. Mex. The USAF has requested that all of the titles be changed to White Sands Missile Range, N. Mex. The titles of the restricted areas will then be the same as that of the facility with which they are associated.

The time of designation for R–5111A Elephant Butte, N. Mex. (East) and R–5111B Elephant Butte, N. Mex. (West) now shows these restricted areas to be continuously active following issuance of a NOTAM by the using agency. NOTAM issuance is in fact made by the controlling agency at the request of the using agency. The USAF has therefore asked that the time of designation be corrected.

Since this amendment is minor in nature and is one in which members of the public are not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, part 73 of the Federal Aviation regulations is amended, effective 0901 G.m.t., July 19, 1973, as hereinafter set forth.

In § 73.51 (38 FR 658; 1923):

1. Amend the title of R–5107A, R–5107B, R–5107C, R–5107D, R–5107E, R–5107F, and R–5107G by deleting the words "White Sands Proving Grounds, N. Mex." and substituting "White Sands Missile Range, N. Mex." therefor.

2. Amend the title of R–5109A and R–5109B by deleting the words "White Sands, N. Mex." and substituting "White Sands Missile Range, N. Mex." therefor.

3. Amend the time of designation for R–5111A Elephant Butte, N. Mex. (East) and R–5111B Elephant Butte, N. Mex. (West) by deleting "* * * Continuous, following issuance of NOTAM by using agency at least 12 hours in advance * * *." and substituting "* * * As published by NOTAM at least 12 hours in advance * * *." therefor.

4. Amend the title of R–5116A and R–5116B by deleting the words "White Sands Proving Grounds, NM." and substituting "White Sands Missile Range, N. Mex." 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 May 3, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-9546 Filed 5-14-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

CHANGE IN CHAPTER HEADING

To implement the provisions of Department of Commerce Organization Order 10–3, as amended (37 FR 25555, 38 FR 4278), which was effective November 17, 1972, chapter III of title 15 of the Code of Federal Regulations, presently titled "Bureau of International Commerce," is changed to read as set forth above.

LAWRENCE A. FOX,
Acting Assistant Secretary for Domestic and International Business.

MAY 3, 1973.

[FR Doc.73-9587 Filed 5-14-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Duty Free Fuel for Aircraft—Customs Regulations Amended

On August 4, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 15707), proposing to add § 10.64a to part 10 of the Customs regulations. This section provides for a new Customs Form 7309, Bonded Fuel Control Card, to be filed by the withdrawer of bonded fuel with the District Director of Customs when bonded fuel is withdrawn from a Customs warehouse for use in international flights of aircraft. Customs sends a consolidated report to the withdrawer, who then files a documented reconciliation of all discrepancies thereon. This procedure will enable Customs to maintain a more accurate control over bonded fuel used by aircraft in international flights.

After consideration of all comments received the following changes are made in the proposed § 10.64a:

1. Paragraph (a) is changed as follows: Withdrawers need not file a Bonded Fuel Control Card, Customs Form 7309, in connection with a reconciliation of the consolidated record for duty-paid withdrawals.

The withdrawer must file the Bonded Fuel Control Card, Customs Form 7309, within 15 days after date of withdrawal rather than daily or at such times as the district director may direct. Upon request by the withdrawer, for good cause shown, the district director may extend the time for filing up to 21 days.

A copy of the fuel sales ticket may be used in place of the Bonded Fuel Control Card, Customs Form 7309, if it contains all of the data and is in the same format as the said form and prior Customs approval has been granted.

2. Paragraph (b) is changed by inserting "30 or" before "60 days" in reference to requests to Customs to postpone the consolidated report.

3. Paragraph (c) is changed to provide that if the port of departure is not a U.S. Customs port, the executed Flight Verification Card, Customs Form 7309–A, shall be delivered to the district director nearest the final U.S. port of departure.

4. Paragraph (f) is changed by extending the time allowed to sign and return the certificate of use and reconciliation of discrepancies from 30 days to 60 days. It further provides that Customs Form 7309 is not required with a duty-paid withdrawal filed in connection with the reconciliation. Oil import licenses will be charged when appropriate.

5. A new paragraph (g) is inserted stating the language to be used on the certificate of use.

6. Paragraphs (g) and (h) have been redesignated as (h) and (i) reflecting the insertion of new paragraph (g).

7. The extension period in redesignated paragraph (h) has been changed from a 30-day to a 60-day period to conform with the change in paragraph (f).

8. Several other minor editorial changes have been made.

Accordingly, § 10.64a is added to part 10 of the Customs regulations, chapter I, title 19 of the Code of Federal Regulations, and is hereby adopted as set forth below.

Effective date.—This amendment shall become effective August 1, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved May 8, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

Part 10 of chapter I, title 19, Code of Federal Regulations, is amended by adding § 10.64a to read as follows:

§ 10.64a Bonded fuel laden as aircraft supplies.

(a) In addition to other provisions of the regulations for the withdrawal of bonded fuel, for each fueling of an aircraft with fuel withdrawn from a Customs bonded warehouse without payment of duty and internal revenue tax under section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), or for each duty-paid and tax-paid withdrawal, except duty-paid withdrawals filed in connection with a reconciliation of the consolidated report (see paragraph (f) of this section), or for any other type of withdrawal of fuel including transfer of a quantity of bonded fuel covered by the same warehouse entry, the person making the withdrawal or his designated agent shall prepare, in duplicate, and sign a Bonded Fuel Control Card, Customs Form 7309. The withdrawer shall file with the district director the executed Bonded Fuel Control Card, Customs Form 7309, within 15 days after the date of the transaction. Upon request of the withdrawer, for good cause shown, the district director may extend the time for filing up to 21 days after the date of the respective transaction. A copy of the fuel sales ticket may be used in place of the Bonded Fuel Control Card, Customs Form 7309, providing it contains all of the data and is in the same format as Customs form 7309 and prior Bureau of Customs approval has been obtained.

(b) If bonded fuel covered by a particular warehouse entry cannot be withdrawn within 90 days after the date of entry, a withdrawer may request one or more extensions of 30 or 60 days in order to postpone receipt of the consolidated report sent to him for response pursuant to paragraph (f) of this section. The withdrawer shall use a copy of Customs form 7309 for this purpose, noting over his signature the region-district-port code number, the warehouse or rewarehouse entry number, and the extension requested. The withdrawer shall file the original completed form with the district director at the port of withdrawal.

(c) When imported fuel withdrawn under section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), is laden on a qualified U.S.-registered aircraft which departs directly for a foreign country or for a possession of the United States from a port where it is not otherwise required to clear Customs, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs form 7309–A, in duplicate, with the district director at the port of departure within 48 hours after departure. If the port of departure is not a U.S. Customs port, the executed Flight Verification Card, Customs form 7309–A, shall be delivered to the district director at the Customs port nearest the final U.S. port of departure.

(d) In the case of an aircraft of U.S. registry arriving in the United States from a foreign country or from a possession of the United States and fueling with bonded fuel for use on the remaining leg(s) of a qualified flight to a U.S. destination for which a permit to proceed is not required, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs Form 7309–A, in duplicate, with the district director at the U.S. port of destination (termination) of the flight within 48 hours after the arrival of the aircraft at that port. If the port of destination is not a U.S. Customs port of entry, the executed flight verification card, in duplicate, shall be filed within the 48 hours with the district director at the Customs port of entry nearest the U.S. port of destination.

(e) When imported fuel withdrawn under section 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1309), is laden on a U.S.-registered aircraft which departs without clearing under a permit to proceed from Puerto Rico for the U.S. mainland, an authorized representative of the carrier shall file an executed Flight Verification Card, Customs Form 7309–A, in duplicate, with the district director at the U.S. port of destination (termination) of the flight within 48 hours after the arrival of the aircraft at that port. If the port of destination is not a U.S. Customs port of entry, the executed flight verification card, in du-

plicate, shall be filed within the 48 hours with the district director at the Customs port of entry nearest the U.S. port of destination.

(f) Within 60 days after the date of mailing or personal delivery to a withdrawer of two copies of the consolidated report of all withdrawals under a given warehouse entry, the withdrawer shall sign the Certificate of Use on one copy of the report, return it to the district director together with a satisfactory documented reconciliation of all discrepancies, and file a duty-paid withdrawal for any of the fuel not properly accounted for. The other copy of the consolidated report shall be retained by the withdrawer. A Customs Form 7309 is not required with a duty-paid withdrawal, Customs Form 7505, filed in connection with the reconciliation. Oil import licenses shall be charged when appropriate.

(g) The certificate of use shall read as follows:

I hereby certify that the fuel indicated above, with the exceptions as noted, (1) was laden for use as supplies for aircraft operated by the United States, or (2) was laden aboard an aircraft registered in the United States and, as reported to us by the respective airline, actually engaged in foreign trade or trade between the United States and any of its possessions, or (3) was laden for use as supplies for an aircraft registered in any foreign country where trade by foreign aircraft is permitted, entitled to the reciprocal privileges as provided in section 309(d) of the Tariff Act of 1930, as amended (19 U.S.C. 1309(d)), and, as reported to us by the respective airlines, actually engaged in foreign trade or trade between the United States and any of its possessions, or (4) was laden aboard foreign military aircraft in accordance with item 841.20 of the Tariff Schedules of the United States (19 U.S.C. 1202), on the basis of reciprocity.

(h) The district director, upon written application, may extend the 60-day period for the filing of the documents and any deposit of duties required under paragraph (f) of this section, if the district director is satisfied that the withdrawer has been or will be prevented by circumstances beyond his control from filing the documents and depositing the duties within the 60-day period.

(i) For purposes of this section, a U.S.-registered aircraft chartered and operated by a foreign airline shall be deemed to be a foreign-registered aircraft. The country of registry (flag) of the aircraft shown on the Bonded Fuel Control Card, Customs Form 7309, shall be the country code of the foreign airline.

(Sec. 309, 46 Stat. 690, as amended; 19 U.S.C. 1309); R.S. 251, as amended, sec. 309, 46 Stat. 690, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1309, 1624.)

[FR Doc.73-9600 Filed 5-14-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart E—Prior-Sanctioned Food Ingredients

A proposal was published in the FEDERAL REGISTER of August 12, 1972 (37 FR 16407) to provide for regulation of prior-sanctioned ingredients by revising the title of subpart E of the food additive regulations and establishing general provisions applicable to prior-sanctioned ingredients.

Four comments were received in response to this proposal. All four comments were primarily concerned with the legality of regulating prior-sanctioned food ingredients and with providing procedural safeguards within the proposed regulation. Specific comments were that the exemption from food additive status of prior-sanctioned ingredients set forth in the Federal Food, Drug, and Cosmetic Act section 201(s)(4) cannot be changed as set forth in the proposal; that absence from listing under subpart E of 21 CFR part 121 cannot affect the prior-sanctioned status of food ingredients; that food packaging materials employing prior-sanctioned ingredients cannot be considered food under section 402(a)(1) of the act; and that procedural safeguards permitting opportunity to submit additional evidence of safety of prior-sanctioned ingredients before a proposal to change its status, and a 60-day comment period and opportunity for public hearing, should be included in the regulation for any proposed or final regulations generated from review of prior-sanctioned ingredients.

Having evaluated the comments and other relevant information, the Commissioner concludes as follows:

1. There is no merit to the argument that prior-sanctioned food ingredients are exempt from safety evaluation under the adulteration provisions of the act. such ingredients are poisonous or deldefinition of "food additive" under section 201(s)(4) of the act but are subject to all the requirements of section 402. Subpart E, as promulgated by this order, will incorporate the Commissioner's determinations with respect to the safety of prior-sanctioned ingredients in accordance with section 402 of the act.

2. Section 701(a) of the act is sufficient legal authority to permit promulgation of regulations determining the safety of prior-sanctioned direct and indirect food ingredients, including a finding that any such ingredients are poisonous or deleterious adulterants of food. Prior-sanctioned ingredients used in food packaging which are in contact with food, and consequently may become an indirect adulterant of food, are not excluded from regulation under section 402 of the act.

3. Expansion of subpart E under part 121 is intended to provide a listing of all known prior-sanctioned food ingredients. Whether a food ingredient is used as a result of a determination that it is GRAS, or pursuant to a food additive regulation, or as a result of a prior sanction, the basis for such use should be a matter of public record. Accordingly, the Food and Drug Administration will publish in this subpart all known prior-sanctioned direct and indirect food ingredients and any subsequent limitations placed upon the use of the ingredient when scientific data justifies such limitations. It is acknowledged that not all known prior-sanctions are presently listed in this subpart. This will be remedied by publication of the prior-sanction status of those ingredients supplied in response to the Food and Drug Administration's request for information on prior sanctions (35 FR 5810) and as requests for affirmation of the safety of prior-sanctioned ingredients are acted upon.

4. The respondents requesting procedural safeguards to permit submission of additional evidence of safety prior to any Food and Drug Administration proposal to place limitations on the use of a prior-sanctioned ingredient, is not feasible. The Food and Drug Administration does not have a file of all users of prior-sanctioned ingredients. It is suggested that anyone who has significant safety information on a prior-sanctioned ingredient submit such evidence to the Food and Drug Administration now, or as it becomes available to them, or as they request affirmation of the safety of the prior-sanctioned ingredients. Publication of a proposal to place limitations on the use of a prior-sanctioned ingredient will, in any event, provide for submission of such information.

The request for other procedural safeguards, including statements that interested persons may comment within 60 days upon publication of any proposal to change the regulatory status of a prior-sanctioned ingredient and adversely affected persons may have a right to request a hearing on any consequent final order, are governed by the provisions of the act and the Administrative Procedure Act. The Commissioner is presently considering a revision of all Food and Drug Administration procedural regulations, which will deal with these matters with respect to all regulations issued under section 701(a) of the act.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat.

1055 and 72 Stat. 1784–88, as amended; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), subpart E of part 121 is amended as follows:

1. The title of subpart E is revised to read, "Subpart E—Prior-Sanctioned Food Ingredients."

2. Section 121.2001 is redesignated as § 121.2005 and a new § 121.2000 is added to read as follows:

§ 121.2000 General.

(a) An ingredient whose use in food or food packaging is subject to a prior sanction or approval within the meaning of section 201(s)(4) of the act is exempt from classification as a food additive. The Commissioner will publish in this subpart all known prior sanctions. Any interested person may submit to the Commissioner a request for publication of a prior sanction, supported by evidence to show that it falls within section 201(s)(4) of the act.

(b) Based upon scientific data or information that shows that use of a prior-sanctioned food ingredient may be injurious to health, and thus in violation of section 402 of the act, the Commissioner will establish or amend an applicable prior sanction regulation to impose whatever limitations or conditions are necessary for the safe use of the ingredient, or to prohibit use of the ingredient.

Effective date.—This regulation shall become effective June 14, 1973.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055 and 72 Stat. 1784–1788, as amended; 21 U.S.C. 321(s), 348, 371(a).)

Dated May 10, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9621 Filed 5-14-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

RESINOUS AND POLYMERIC COATINGS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2812) filed by PPG Industries, Inc., P.O. Box 312, Delaware, Ohio 43015, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the additional safe use of the butyl acrylate - styrene - methacrylic acid-hydroxyethyl methacrylate copolymers specified in the regulations as a repair surface for coatings intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 (21 CFR part 121) as amended in § 121.2514 in paragraph (b)(3)(xx) by revising the item beginning "Butyl acrylate - styrene - methacrylic acid-hydroxyethyl methacrylate copolymers * * *" to read as follows:

§ 121.2514 Resinous and polymeric coatings.

* * * * *

(b) * * *

(3) * * *

(xx) * * *

Butyl acrylate-styrene-methacrylic acid-hydroxyethyl methacrylate copolymers containing no more than 20 weight percent of total polymer units derived from methacrylic acid and containing no more than 7 weight percent of total polymer units derived from hydroxyethyl methacrylate; for use only in coatings or surface repair coatings that are applied by electrodeposition to metal substrates as follows: 1. In coatings that are intended for contact with food containing no more than 8 percent alcohol under conditions of use D, E, F, or G described in table 2 of § 121.2514(d). 2. In surface repair coatings, provided that the repaired surface area in contact with food does not exceed 3 percent of the surface area of the container part being repaired.	* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 14, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective May 15, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1).)

Dated May 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9542 Filed 5-14-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL, FOOD, DRUG, AND COSMETIC ACT

PART 295—REGULATIONS UNDER THE POISON PREVENTION PACKAGING ACT OF 1970

Modification of the Testing Procedure for Special Packaging

In the FEDERAL REGISTER of January 15, 1973 (38 FR 1510), the Commissioner of Food and Drugs proposed to modify the testing procedure for special packaging (21 CFR 295.10(a)(3)) to change the definition of a unit packaging test failure to any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 8 individual units, whichever number is lower. At that time, the maximum number of individual units constituting a test failure was more than 5.

Three comments were received in response to the proposal. A pharmaceutical manufacturer and a pharmaceutical trade association support the proposal and a city government agency does not.

The city government agency fears that the modification will reduce the degree of child protection provided by special packaging because although the amount of substance which would produce serious injury or illness prevails in establishing the number of units constituting a test failure, determining this amount for all children is difficult due to varying factors such as age and medical history.

The Commissioner, however, previously acknowledged that variables exist in establishing the amount of substance which would produce serious injury or illness. Accordingly, § 295.10(a)(3) (21 CFR 295.10) specifies that the determination of such amount shall be based on a 25-pound child. This weight represents the average 2-year-old child, the age most prone to accidental ingestions.

The present maximum test failure level of 5 was established to provide the packaging industry with parameters within which to develop unit packaging, but it has been found to be unnecessarily restrictive and has thus tended to stifle industry initiative in this area. This is undesirable since unit packaging has the potential for being an effective form of child protection packaging for many applications, particularly in the drug field. Having considered the comments, the Commissioner concludes that the proposed modification will not reduce or compromise the child protection properties of special unit packaging. The ultimately controlling factor in determining the test failure level in the case of unit packaging remains the number of individual units which constitute the

amount that may produce serious personal injury or serious illness.

Therefore, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (secs. 2(4), 3, 5, 84 Stat. 1670–1672; 15 U.S.C. 1471(4), 1472, 1474) and under authority delegated to the Commissioner (21 CFR 2.120), "§ 295.10 Testing procedure for special packaging" is amended by revising the fifth sentence of paragraph (a)(3) to read as follows:

§ 295.10 Testing procedure for special packaging.

(a) * * *

(3) * * * In the case of unit packaging, however, a test failure shall be any child who opens or gains access to the number of individual units which constitute the amount that may produce serious personal injury or serious illness, or a child who opens or gains access to more than 8 individual units, whichever number is lower, during the full 10 minutes of testing. * * *

* * * * * *

Effective date.—This order shall become effective May 15, 1973.

Dated May 8, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9541 Filed 5-14-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-126]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of part 1914 of subchapter B of chapter X of title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. Entries to the table published on December 27, 1972, at 37 FR 28505, listed certain communities whose eligibility for the sale of flood insurance was being suspended on the date indicated in the entries, on the basis of the communities' failure to adopt required land use and control measures consistent with 24 CFR part 1910 criteria. The community listed in this entry was so listed, but has submitted, prior to the indicated suspension date for the community, a copy of adopted measures which appear to correct previous disqualifying deficiencies. Therefore, the suspension of eligibility of the community listed in this entry has been withdrawn on the date indicated hereinbelow, and the community's eligibility for the sale of flood insurance has been continued without interruption pending detailed review of submitted documents. The entry reads as follows:

§ 1914.4 Status of participating communities.

*	*	*	*	*
Texas	Guadalupe	Seguin, City of	Apr. 15, 1973. Suspension withdrawn.	
Do.	Jefferson	Griffing Park, Town of.	Do.	
Do.	Matagorda	Palacios, City of	Do.	

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

Issued May 7, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9561 Filed 5-14-73;8:45 am]

[Docket No. FI-125]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

*	*		*	*	*	*		*
Michigan	Arenac	AuGres, Township of.						May 15, 1973, Emergency;
Do.	Iosco	Oscoda, Township of.						Do.
New Jersey	Gloucester	Clayton, Borough of.						Do.
New York	Onondaga	Clay, Town of.						Do.
Do.	Wayne	Ontario, Town of.						Do.
Pennsylvania	Berks	Douglass, Township of.						Do.
Do.	Elk	Ridgway, Township of.						Do.
Do.	Lancaster	Elizabethtown, Borough of.						Do.
Do.	Lycoming	Muncy Creek, Township of.						Do.
Do.	do	Upper Fairfield, Township of.						Do.

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

Issued May 7, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9562 Filed 5-14-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7277]

SUBCHAPTER A—INCOME TAX

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

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Definitions of the Terms "United States", "Possession of the United States", and "Foreign Country"

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Wednesday, December 20, 1972 (37 FR 28068), amendments to the income tax regulations (26 CFR part 1) and the employment tax regulations (26 CFR part 31) were proposed to conform such regulations to the amendments to the Internal Revenue Code of 1954 made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634), relating to continental shelf areas. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, certain changes were made, and the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Section 1.638-1(b), as proposed, has been modified to make it clear that taxing jurisdiction is exercised by a foreign country over all persons, property, and activities engaged in or related to either or both or the exploration for, or exploitation of, natural resources in the continental shelf of such country, and the income therefrom, if such country exercises taxing jurisdiction over any such person, property, or activity engaged in or related to either the exploration for, or exploitation of, such natural resources or the income therefrom.

On Wednesday, December 20, 1972, a notice of proposed rulemaking was published in the FEDERAL REGISTER (37 FR 28068) containing amendments to the income tax regulations (26 CFR part 1) and the employment tax regulations (26 CFR part 31) to conform such regulations to the amendments to the Internal Revenue Code of 1954 made by section 505 of the Tax Reform Act of 1969 (83 Stat. 634). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted.

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

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

APPROVED May 7, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. The following new entries are added to the table of contents of 26 CFR part 1, immediately following § 1.632-1:

CONTINENTAL SHELF AREAS

PAR. 1a. The following new sections are added immediately after § 1.632-1.

CONTINENTAL SHELF AREAS

§ 1.638 Statutory provisions; continental shelf areas.

SEC. 638. *Continental Shelf areas.* For purposes of applying the provisions of this chapter (including sections 861(a)(3) and 862(a)(3) in the case of the performance of personal services) with respect to mines, oil and gas wells, and other natural deposits—

(1) The term "United States" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources; and

(2) The terms "foreign country" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorials waters of the foreign country or such possession and over which the foreign country (or the United States in case of such possession) has exclusive rights, in accordance with international law, with respect to the exploration and exploitation of natural resources, but this paragraph shall apply in the case of a foreign country only if it exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation.

No foreign country shall, by reason of the application of this section, be treated as a country contiguous to the United States.

[Sec. 638 as added by sec. 505(a), Tax Reform Act 1969 (83 Stat. 634).]

§ 1.638-1 Continental Shelf areas.

(a) *General rule.* For purposes of applying any provision of Chapter 1, 2, 3, or

24 (including section 861(a)(3), 862(a)(3), 1441, 3402, or other provisions dealing with the performance of personal services), with respect to mines, oil and gas wells, and other natural deposits—

(1) *United States and possession of the United States.* The terms "United States" and "possession of the United States" when used in a geographical sense include the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the United States or such possession and over which the United States has exclusive rights, in accordance with international law, with respect to the exploration for, and exploitation of, natural resources. The terms "Continental Shelf of the United States" and "Continental Shelf of a possession of the United States," as used in this section, refer to the seabed and subsoil included, respectively, in the terms "United States" and "possession of the United States," as provided in the preceding sentence.

(2) *Foreign country.* The term "foreign country" when used in a geographical sense includes the seabed and subsoil of those submarine areas which are adjacent to the territorial waters of the foreign country and over which such foreign country has exclusive rights, in accordance with international law, with respect to the exploration for, and exploitation of, natural resources, but this sentence applies only if such foreign country exercises, directly or indirectly, taxing jurisdiction with respect to such exploration or exploitation. The term "foreign continental shelf," as used in this section, refers to the seabed and subsoil described in the preceding sentence. A foreign country is not to be treated as a country contiguous to the United States by reason of the application of section 638 and this section.

(b) *Exercise of taxing jurisdiction.* For purposes of paragraph (a)(2) of this section, the exercise, directly or indirectly, of taxing jurisdiction with respect to the exploration for, or exploitation of, natural resources is deemed to include (but is not limited to) those cases in which a foreign country—

(1) Imposes a tax upon assets, equipment, or other property connected with or income derived from such exploration or exploitation, or

(2) Requires natural resources referred to in paragraph (a)(2) of this section to be transported to points within its landward boundaries and then levies a tax upon such natural resources or upon the income derived from the sale thereof.

A foreign country which, for purposes of paragraph (a)(2) of this section, exercises taxing jurisdiction by the imposition of tax upon any person, property, or activity engaged in or related to the exploration for, or exploitation of, natural resources in the seabed or subsoil referred to in paragraph (a)(2) of this section, or the income therefrom of any taxpayer, is deemed to exercise taxing jurisdiction over all such persons, property, and activities and over all income therefrom of all such taxpayers; thus, for example, a foreign country which imposes tax upon a person engaged in exploitation of oil and gas wells in its seabed and subsoil referred to in paragraph (a)(2) of this section is deemed to exercise taxing jurisdiction over property related to exploration for other natural deposits in such seabed and subsoil. A foreign country is deemed to be imposing tax upon a person, property, activity, or income described in the preceding sentence if such foreign country empts all persons, property, and activi- or income from tax for a period not in excess of 10 years from the commencement of such exploration or exploitation. Except in the case of a foreign country which is deemed under the preceding sentence to impose tax by virtue of an exemption for a period not in excess of 10 years, a foreign country which exempts all persons, property, and activities engaged in or related to the exploration for, or exploitation of, natural resources in the seabed or subsoil referred to in paragraph (a)(2) of this section and the income therefrom, from taxation is deemed not to be exercising, directly or indirectly, taxing jurisdiction for purposes of paragraph (a)(2) of this section. For purposes of paragraph (a)(2) of this section, the exercise of taxing jurisdiction with respect to any type of tax constitutes the exercise of taxing jurisdiction with respect to all types of taxes. However, a royalty or other charge (whether payable in a lump sum or over a period of time or in amounts dependent upon the volume of production of natural resources) for the right to explore for or exploit natural resources does not constitute a tax.

(c) *Scope.* (1) for purposes of applying this section, persons, property, or activities which are engaged in or related to the exploration for, or exploitation of, mines, oil and gas wells, or other natural deposits need not be physically upon, connected, or attached to the seabed or subsoil referred to in subparagraph (1) or (2) of pargraph (a) of this section to be deemed to be within the United States, a possession of the United States, or a foreign country, as the case may be, to the extent provided in subparagraph (2) or (3) and subparagraph (4) of this paragraph.

(2) Persons, property, or activities which are not in a foreign country (determined without regard to section 638 or this section), and which are engaged in or related to the exploration for, or exploitation of, mines, oil and gas wells, or other natural deposits of the seabed or subsoil referred to in paragraph (a)(1) of this section, are generally within the United States or a possession of the United States, as the case may be, unless such persons, property, or activities are solely involved in or constitute transportation to (or from) the site of exploration or exploitation from (or to) a foreign country, other than transportation on a regular basis from (or to) a base of operations.

(3) Persons, property, or activities which are not in the United States or in a third country (determined in each case without regard to section 638 or this section), and which are engaged in or related to the exploration for, or exploitation of, mines, oil and gas wells, or other natural deposits of the seabed or subsoil of a foreign country referred to in paragraph (a)(2) of this section, are generally within such foreign country, unless such persons, property, or activities are solely involved in or constitute transportation to (or from) the site of exploration or exploitation from (or to) the United States or a possession of the United States or a third country, as the case may be, other than transportation on a regular basis from (or to) a base of operations.

(4) Persons, property, or activites are within the United States, a possession of the United States, or a foreign country, as the case may be, pursuant to this paragraph, only to the extent such persons, property, or activities are engaged in or related to the exploration for, or exploitation of, mines, oil and gas wells, or other natural deposits.

(d) *Natural deposits and natural resources.* For purposes of this section, the terms "natural deposits" and "natural resources" mean nonliving resources to which section 611(a) applies. Such terms do not include sedentary species (organisms which, at the harvestable stage, either are immovable on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil), fish or other animal or plant life.

(e) *Rights under international law.* Nothing in this section shall prejudice or affect the freedoms of the high seas and other rights under international law, or the exercise of such freedoms and rights by the United States or foreign countries.

(f) *Examples.* The application of the provisions of section 638 and this section may be illustrated by the following examples:

Example (1). A, a citizen of the United States employed as an engineer, is engaged in the exploitation of oil and is physically present on an offshore oil drilling platform operated by employees of L Corporation. Such platform is affixed to the foreign continental shelf of foreign country X. Assuming that foreign country X exercises taxing jurisdiction as provided in paragraph (b) of this section, A is to be treated as being employed in foreign country X with respect to compensation for his employment for purposes of chapters 1 and 24.

Example (2). The facts are the same as in example (1) except that B, a citizen of the United States engaged in the private practice of law, is physically present on such platform for the sole purpose of interviewing his client, A, whom he represents in a domestic relations matter. Since B is not engaged in activities related to the exploration for, or exploitation of, natural deposits, he is not to be treated as being in foreign country X for purposes of chapters 1 and 2.

Example (3). The facts are the same as in example (1) except that C, a citizen of the United States engaged in the private practice of medicine, is physically present on such platform for the purpose of making routine physical examinations of L Corporation's employees who are engaged in the exploitation

of oil on the platform. C is paid by L Corporation to give such examinations on the platform at regular intervals in order to determine whether the state of any employee's health is such that he should not continue work on the platform. The balance of C's medical practice is conducted at his office on the U.S. mainland. Since C is engaged in activities related to the exploitation of oil, he is treated as being in foreign country X under section 638 and this section while making physical examinations on L Corporation's platform, provided that foreign country X exercise taxing jurisdiction as provided in paragraph (b) of this section. For purposes of chapters 1 and 2, amounts paid by L Corporation to C are treated as derived from sources within foreign country X.

Example (4). C, a nonresident alien individual employed as an engineer in a foreign country, designs equipment for use on oil drilling platforms affixed to the continental shelf of the United States and engaged in the exploitation of oil. Although C's activities in this respect are related to the exploitation of oil, C is not treated as being in the United States under section 638 and this section by reason of such activities.

Example (5). M Corporation, a domestic corporation, chartered a ship from N Corporation, also a domestic corporation, under a time charter under which N Corporation's personnel continued to navigate and manage the ship. M Corporation equipped the ship with special oil exploration equipment and furnished its personnel to operate the equipment. The ship then commenced to explore for oil in the foreign Continental Shelf of foreign country Y. Foreign country Y exercises taxing jurisdiction as provided in paragraph (b) of this section. The ship is treated as being within foreign country Y under section 638 and this section for the period it was engaged in the exploration for oil in such foreign Continental Shelf. Thus, the entire income derived during such period by N Corporation from the charter is income derived from sources within foreign country Y, since N Corporation had property and employees engaged in the exploration for oil in such foreign Continental Shelf.

Example (6). The facts are the same as in example (5) except that C, a citizen of the United States, was employed by N Corporation as a cook and was physically present on the ship. C's sole duties consisted of cooking meals for personnel aboard such ship. In such case, as C's activities are related to the exploration for oil, C is to be treated as being in foreign country Y under section 638 and this section for the period he was aboard such ship while it was engaged in activities relating to the exploration for oil in the foreign Continental Shelf referred to in example (5). For purposes of chapters 1 and 24, C's compensation as a cook for such period is treated as derived from sources without the United States.

Example (7). Z Corporation, a foreign corporation, entered into a contract with Y Corporation, a United States corporation, to engage in exploratory oil drilling activities on a leasehold held by Y Corporation. Such leasehold was located in the Continental Shelf of the United States. Since Z Corporation is engaged in and has property and activities which are engaged in the exploration for oil, such property and activities are to be treated as being in the United States under section 638 and this section for the period such property and activties were engaged in or related to the exploration for oil in the Continental Shelf of the United States and were not in a foreign country. For purposes of chapters 1 and 3, amounts paid to Z Corporation pursuant to the contract are treated as derived from sources within the United States.

Example (8). M Corporation is a controlled foreign corporation (within the meaning of section 957(b)) for its entire taxable year beginning in 1972. During such taxable year, M Corporation issues a policy of insurance relating to fire damage to an offshore oil drilling platform, owned by N Corporation (a foreign corporation), which is attached to the Continental Shelf of the United States. The income attributable to the issuing of such policy would be taxed under subchapter L, chapter 1, subtitle A of the Code (as modified, for this purpose, by section 953(b) (1), (2), and (3)) if such income were the income of a domestic insurance corporation. Since N Corporation's oil drilling platform is located within the United States under section 638 and this section, M Corporation's income attributable to the issuing of the insurance in connection with such platform is income derived from the insurance of United States risks, within the meaning of section 953(a)(1)(A).

§ 1.638–2 Effective date.

The specific requirements and limitations of § 1.638–1 apply on and after December 30, 1969.

PAR. 2. Section 1.1402(a)–12 is amended to read as follows:

§ 1.1402(a)–12 Possession of the United States.

For purposes of the tax on self-employment income, the term "possession of the United States," as used in section 931 (relating to income from sources within possessions of the United States) and section 932 (relating to citizens of possessions of the United States) shall be deemed not to include the Virgin Islands, Guam, or American Samoa. The provisions of section 1402(a)(9) and of this section insofar as they involve nonapplication of sections 931 and 932 to Guam or American Samoa, shall apply only in the case of taxable years beginning after 1960. For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638-1.

PAR. 3. Section 1.1441 is amended by adding immediately after § 1.1441(e) the following new subsection.

§ 1.1441 Statutory provisions; withholding of tax on nonresident aliens.

SEC. 1441. *Withholding of tax on nonresident aliens.* * * *

(f) *Continental Shelf areas.* For sources of income derived from, or for services performed with respect to, the exploration or exploitation of natural resources on submarine areas adjacent to the territorial waters of the United States, see section 638.

[Sec. 1441 as amended by sec. 505(b), Tax Reform Act 1969 (83 Stat. 634)]

PAR. 4. Section 1.1441–5 is amended by revising paragraph (d) to read as follows:

§ 1.1441–5 Claiming to be a person not subject to withholding.

* * * * *

(d) *Definitions.* For determining whether an alien individual is a resident of the United States see § 1.871–2. For definition of the terms "foreign partnership" and "foreign corporation" see section 7701(a)(4) and (5) and § 301.7701–5 of this chapter. For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638–1.

PAR. 5. Section 31.3401(a)–1 is amended by inserting the following paragraph immediately after § 31.3401(a)–1(b):

§ 31.3401(a)–1 Wages.

* * * * *

(c) *Geographical definitions.* For definition of the term "United States" and for other geographical definitions relating to the Continental Shelf see section 638 and § 1.638–1 of this chapter.

* * * * *

[FR Doc.73–9534 Filed 5–14–73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1604—SELECTIVE SERVICE OFFICERS

Signing Official Papers

Whereas, on April 9, 1973, the Director of Selective Service published a notice of proposed amendment of Selective Service regulations, 38 FR 9030 of April 9, 1973; and

Whereas more than 30 days have elapsed subsequent to such publication during which period no comment from the public has been received.

The proposed regulation designates persons to sign official papers issued by local boards. The text of the proposed section has not been changed.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 app. U.S.C. secs. 451 et seq.) and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Selective Service regulations, constituting a portion of chapter XVI of title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.d.s.t., on May 19, 1973, as follows:

"Section 1604.59, *Signing official papers,*" is amended to read as follows:

§ 1604.59 Signing official papers.

Official papers issued by a local board may be signed by any member of compensated employee of the local board, or any compensated employee of the Selected Service System whose official duties require him to perform administrative duties at the local board except when otherwise prescribed by the Director of Selective Service.

BYRON V. PEPITONE,
Director.

MAY 10, 1973.

[FR Doc.73–9566 Filed 5–14–73;8:45 am]

Title 44—Public Property and Works

CHAPTER IV—BUREAU OF DOMESTIC COMMERCE, DEPARTMENT OF COMMERCE

PART 401—FOREIGN EXCESS PROPERTY

Redesignation of Part

Regulations formerly appearing in part 401 of chapter IV of title 44 of the Code of Federal Regulations are transferred to chapter III of title 15 of the Code of Federal Regulations and redesignated as part 302 of that chapter (see 38 FR 11068). Accordingly, chapter IV of title 44 is hereby vacated.

This redesignation shall become effective June 4, 1973.

Dated May 3, 1973.

SETH M. BODNER,
Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-9586 Filed 5-14-73;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Order Reflecting Organizational Changes

In the matter of editorial amendment of part 0 of the Commission's statement of organization with respect to the Office of the General Counsel.

This order is being issued to reflect organization changes in the Office of the General Counsel that were adopted in action taken by the Commission November 29, 1972.

This amendment related to internal Commission organization, and hence, the prior notice, procedure and effective date provisions of the Administrative Procedures Act are not applicable. Authority for the promulgation of this amendment is contained in section 4(i) and 5(b) and (d) of the Communications Act of 1934 as amended, and in § 0.321 (d) of the Commission's Rules.

Accordingly, *it is ordered*, effective April 30, 1973, That in Part 0 of Chapter I of Title 47 of the Code of Federal Regulations, § 0.41(p) is added to read as follows:

§ 0.41 Functions of the Office.

* * * * *

(p) To develop and administer, with guidance from the Equal Employment Opportunity Commissioner and in coordination with the Broadcast, Cable Television and Common Carrier Bureaus, an equal employment opportunity program for industries regulated by those bureaus; to assure consistency of equal employment opportunity plans developed by the bureaus with policies and objectives of the program; to review the implementation of EEO plans and their success in achieving the objectives of the program; to recommend such changes in the program as may be appropriate; and to maintain liaison with those who are subject to EEO plans and with State and local agencies, community groups, and industry associations which are concerned with the provision of equal employment opportunities.

(Secs. 4, 5, 48 Stat. 1066, 1068, as amended; 47 U.S.C. 154, 155.)

Adopted April 30, 1973.

Released May 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.73-9596 Filed 5-14-73;8:45 am]

[No. 96891]

FREQUENCY ALLOCATIONS, EXPERIMENTAL RADIO SERVICES, AND RADIO FREQUENCY DEVICES

Editorial Amendments

A revised edition of volume II of the FCC rules is currently on sale at the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Editorial amendments included in this issue are set forth below.

Since the changes are editorial, the prior notice and effective date provisions of section 4 of the Administrative Procedure Act (5 U.S.C. 553) are not applicable.

Accordingly, it is ordered, Pursuant to authority contained in sections 4(i), 5 (d), and 303(r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules and regulations, that the amendments to parts 2, 5, and 15 set forth below are amended effective May 15, 1973.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303.)

Adopted May 4, 1973.

Released May 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] JOHN M. TORBET,
Executive Director.

Parts 2, 5, and 15 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.1, the definitions for "Community antenna relay service" and "Community antenna relay station" are revised to read "Cable television relay service" and "Cable television relay station". The term "cable television" replaces the term "community antenna" wherever it appears. In addition, the following definitions are amended to read as follows:

§ 2.1 Definitions.

* * * * *

Domestic fixed public service.—A fixed service, the stations of which are open to public correspondence, for radiocommunications originating and terminating solely at points within: (a) The State of Alaska, or (b) the State of Hawaii or (c) the contiguous 48 States and the District of Columbia, or (d) a single possession of the United States. Generally, in cases where service is afforded on frequencies above 72 MHz, radiocommunications between the contiguous 48 States (including the District of Columbia) and Canada or Mexico, or radiocommunications between the State of Alaska and Canada, are deemed to be in the domestic fixed public service.

* * * * *

Experimental station.—A nonamateur station utilizing radio waves in experiments with a view to the development of science or technique.

* * * * *

Flight test station.—An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft. The flight test stations are designated as land stations when operating on the frequency 3281 kHz.

* * * * *

Industrial radio services.—Any service or radiocommunication essential to, operated by, and for the sole use of, those enterprises which for purposes of safety or other necessity require radiocommunication in order to function efficiently. The radio transmitting facilities of the industrial radio services are defined as fixed, land, mobile or radiolocation stations.

* * * * *

International fixed public radio service.—A fixed service, the stations of which are open to public correspondence and which, in general, is intended to provide radiocommunication between any one of the contiguous 48 States (including the District of Columbia) and the State of Alaska, or the State of Hawaii, or any U.S. possession or any foreign point; or between the State of Alaska and any other point; or between the State of Hawaii and any other point. In addition, radiocommunications within the contiguous 48 States (including the District of Columbia) in connection with the relaying of international traffic between stations which provide the above service, are also deemed to be in the international fixed public radiocommunication service. Communications solely between Alaska, or any one of the contiguous 48 States (including the District of Columbia), and either Canada or Mexico are not deemed to be in the international fixed public radiocommunication service when such radiocommunications are transmitted on frequencies above 72 MHz.

* * * * *

Radio altimeter.—A radionavigation equipment on board an aircraft which makes use of the reflection of radio waves from the ground to determine the height of the aircraft above the ground.

* * * * *

2. Section 2.102(b)(1) is amended to read as follows:

§ 2.102 Assignment of frequencies.

* * * * *

(b) * * *

(1) In individual cases the Commission may, without rulemaking proceedings, authorize on a temporary basis only, the use of frequencies not in accordance with the table of frequency allocations for projects of short duration or emergencies where the Commission finds that important or exceptional circumstances require such utilization. Such authorizations are not intended to develop a service to be operated on frequencies other than those allocated such service.

* * * * *

§ 2.106 [Amended]

3. In § 2.106, the table of frequency allocations is amended with respect to the frequencies 1605–1715 kHz in column 9, 4750–4995 kHz in column 7, 456–459 MHz in column 9, 465.0125–470 MHz in column 9 and footnotes NG13 and NG24 are amended as follows:

Band (kHz)	Service	Class of station	Frequency	Nature of services (of stations)
7	8	9	10	11
1605–1715 (US97)	* * *	Base. Fixed. Land mobile. Radionavigation land. Radiolocation. Coast. Ship.	* * *	* * *
*	* *	*	*	* *
4750–4995	FIXED.	Fixed.		AERONAUTICAL FIXED. FIXED (in Alaska). INTERNATIONAL FIXED PUBLIC.
(MHz)	* * *			
456–459		Land mobile.		* * *
465.0125–467.5375	* * *	Land mobile.	* * *	* * *
467.5375–467.7375	* * *	Land mobile.	* * *	* * *
467.7375–470	* * *	Land mobile.	* * *	* * *
*	* *	*	*	* *

In footnote NG13, the second sentence is amended by inserting a period after the word "exist", deleting the word "and", and capitalizing the word "In".

In footnote NG24, a period is substituted for the colon following "156.55 MHz", the words *"Provided,* That" are deleted, and the word "In" is capitalized.

§ 2.579 [Amended]

4. In § 2.579(f)(1), the word "centigrade" is written in lowercase.

PART 5—EXPERIMENTAL RADIO SERVICES (OTHER THAN BROADCAST)

1. Section 5.203 is amended to read as follows:

§ 5.203 Frequencies for Experimental Service (Research).

Stations operating in the Experimental Service (Research) may be authorized to use any government or nongovernment frequency designated in the table of frequency allocations set forth in part 2 of this chapter as available for assignment to this service: *Provided,* That the need for the specific frequency(s) requested is fully justified by the applicant.

2. Section 5.409 is amended to read as follows:

§ 5.409 Noninterference condition.

Each authorization issued to a student under this subpart is subject to the condition that no harmful interference, as defined in § 5.3(h), is caused to any authorized station.

PART 15—RADIO FREQUENCY DEVICES

§ 15.4 [Amended]

1. The headnote of § 15.4 and paragraph (k) are amended by deleting the hyphen and writing "biomedical" as one word.

§ 15.68 [Amended]

2. In § 15.68, the headnote is amended to insert a hyphen between the first two words: "All-channel".

3. In § 15.337, paragraph (a) is amended to read as follows:

§ 15.337 Operation on other frequencies.

(a) An auditory, training system may be operated on any frequency available under this part provided the transmitter and receiver parts of the system meet the applicable technical specifications of this part and are certificated, if certification is required.

* * * * *

4. In § 15.345, paragraph (a) is amended to read as follows:

§ 15.345 Certification of receiver.

(a) A receiver operated as part of an auditory training system shall be certificated pursuant to the provision of subpart C of this part.

* * * * *

§ 15.347 [Amended]

5. In § 15.347(a), the word "training" is inserted between the words "auditory" and "system".

§ 15.371 [Amended]

6. In § 15.371(b)(2), in the last sentence, an "s" is added to the word "measurement".

7. Section 15.375(a)(2) is amended to read as follows:

§ 15.375 Identification of auditory training equipment (72–76 MHz).

(a) * * *

(2) A distinctive type number identical to that given in the application for type approval or certification. Any change in the type number is subject to the provisions of § 15.373.

* * * * *

[FR Doc.73-9488 Filed 5-14-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex parte 268]

PART 1123—DETERMINATION OF AVOIDABLE LOSSES

Rail Passenger Service Act of 1970

Order.—At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 30th day of March 1973.

On May 4, 1971, a notice of proposed rulemaking was published in the FEDERAL REGISTER (36 FR 8327) advising all interested parties that the Commission had under consideration proposed regulations pertaining to the procedures for the determination of avoidable losses under sections 102(6) and 401(a)(3) of the Rail Passenger Service Act of 1970. After consideration of all relevant matters submitted by interested parties, the regulations proposed are hereby adopted with modifications, as shown by the instructions and schedules attached to and made a part of this order.

It is ordered, That the proposed regulations designated part 1123 of chapter X, subchapter B of title 49 of the Code of Federal Regulations, as contained in appendix A attached hereto, are adopted.

It is further ordered, That this order shall be effective 35 days from the date it is served.

And it is further ordered, That service of this order be made on all carriers by railroad which are affected thereby, to all parties of record herein, and notice of the order shall be given the general public by depositing a copy thereof in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for the public inspection, and by delivering a copy thereof to the Director, division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

Chapter X of title 49 of the Code of Federal Regulations is amended by

adding Part 1123 Determination of Avoidable Losses and inserting the following sections:

Sec.
1123.1 Scope of rules in this part.
1123.2 Definitions.
1123.3 Information required with application.
1123.4 Required exhibits.
1123.5 Form and style.
1123.6 Procedure.

AUTHORITY.—Secs. 102, 401, 84 Stat. 1327; secs. 1, 12, 17, 24 Stat. 379, 383, and 40 Stat. 270, all as amended; 49 U.S.C. 1, 12, and 17; 5 U.S.C. 553 and 559.

§ 1123.1 Scope of rules in this part.

The rules in this part govern procedure to be followed by the National Railroad Passenger Corp. and a railroad subject to part I of the Interstate Commerce Act, when an impasse is reached between the two relative to the final settlement price to be paid by the railroad in consideration of being relieved of all of its responsibility as a common carrier of passengers by rail in intercity rail passenger service pursuant to the Rail Passenger Service Act of 1970. Either the National Railroad Passenger Corp. or the railroad shall apply to the Commission for a determination of the avoidable loss with respect to the subject intercity rail passenger service. The burden of proof of avoidable loss shall rest with the railroads, and the procedure provided hereinafter shall be followed.

§ 1123.2 Definitions.

(a) Avoidable costs are those operating expenses, rents, and taxes listed in the Uniform System of Accounts (title 49 CFR 1200–1201) which can be demonstrated to have been required for the provision of intercity rail passenger service in 1969, which would not have been incurred had such service not been performed.

(b) Avoidable loss is the excess of avoidable costs of providing intercity rail passenger service over the nonretainable revenues from the same service, pursuant to section 102(6) of the Rail Passenger Service Act of 1970.

(c) Nonretainable revenues are the railroad's 1969 revenues attributable to its intercity rail passenger service, which it would not have received had such service not been performed.

(d) Solely related expenses are the operating expenses, rents, and taxes which are incurred only for providing a specific service.

(e) Common expenses are those operating expenses, rents, and taxes which are not solely related to one service but are required to provide more than one service.

(f) In determining whether a service is commuter or other short-haul service in metropolitan and suburban areas, within the meaning of section 102(3)(A) of the Rail Passenger Service Act of 1970, the Commission will consider the following features, among others:

(1) The passenger service is primarily being used by patrons traveling on a regular basis, either within a metropolitan area or between a metropolitan area and its suburb;

(2) The service is usually characterized by operations performed at morning and evening peak periods of travel;

(3) The service usually honors commutation or multiple ride ticket at a fare reduced below the ordinary coach fare and carries the majority of its patrons on such a reduced fare basis;

(4) The service makes several stops at short intervals either within a zone or along the entire route;

(5) The equipment used may consist of little more than ordinary coaches;

(6) The service should not extend more than 100 miles at the most, except in rare instances; although service over shorter distances may not be commuter or short haul within the meaning of the said act of 1970.

(g) Intercity passenger service is all passenger services other than (1) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and (2) auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of the Rail Passenger Service Act of 1970.

§ 1123.3 Information required with application.

Application required under § 1123.1 shall include the following information set forth in the sequence indicated:

(a) Identification of the applicant showing:

(1) Full and correct name of the applicant and the business address of applicant (street and number, city, county, and State).

(2) The name, title, and business address of the officer or officers to whom correspondence with respect to the application should be addressed.

(b) Information respecting the terms and conditions of the contract pursuant to which the proposed transfer of intercity rail passenger service is to be effected, including the manner and terms of payment of the consideration.

(c) Information respecting the route, termini, and mileage of the lines to be transferred.

(d) Statements, in summary form, showing the applicant's calculation, for the calendar year 1969, of the avoidable loss of all intercity rail passenger service and/or that portion of such service that was operated over routes between points on the basic system, supported by the exhibits required by § 1123.4 and presented as follows:

(1) Solely related intercity passenger-train costs.

(2) Common expenses apportioned to intercity passenger service.

(3) Avoidable intercity passenger costs.

(4) Nonretainable revenues.

(5) Added expenses of hauling carrier personnel, material, and company mail.

(6) Avoidable loss.

§1123.4 Required exhibits.

There shall be filed with the original application and as a part thereof, the following exhibits:

(a) As exhibit (A) a statement of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. This statement shall be supplied in the same format provided in Schedule 300, Income Account for the Year as prescribed in Rail Annual Report Form A.

(b) As exhibit (B) a statement showing total and avoidable operating expenses, rents, and taxes by primary account for (1) all intercity rail passenger service and/or (2) that portion of such service that was operated over routes between points on the basic system, presented in the format attached hereto and identified as appendix B.

(c) As exhibit (C) a statement setting forth the method used and the justification, for each primary account, of the avoidable expenses reported in exhibit (B) as described above. Avoidable intercity expenses shall be supported by identification of specific positions, equipment, facilities, and materials which would not be required upon discontinuance of the intercity passenger service.

(d) As exhibit (D) a statement of revenues earned in 1969 as a result of providing intercity passenger service which could not have been retained by the railroad after the discontinuance of such service. This statement shall exclude revenues which could have been retained even though intercity rail passenger service were discontinued. If the 200-percent formula is being relied on, data required in this exhibit should be furnished for that portion of the service that was performed over routes between the points on the basic system. This data shall be supplied in the same format provided in Schedule 310, Railway Operating Revenues, as prescribed in Rail Annual Report Form A.

(e) As exhibit (E) a statement supporting determination of nonretainable revenues submitted as exhibit D.

(f) As exhibit (F) a listing, by position classification, of the number of positions involved exclusively or in part in intercity passenger service during the month of December 1969. These positions shall be listed and identified in the same format as prescribed for ICC Wage Statistics, forms A and B. In addition, positions involved exclusively in intercity passenger service shall be separated from positions involved in part in intercity passenger service. The account to which wages are charged and the average annual wage shall also be shown for each position. In addition, for each position involved only in part in intercity

passenger service an estimate (stated as a percent) of the portion of time assigned to intercity passenger service shall be provided. If the 200-percent formula is being relied on, a similar showing should be furnished giving the above information as to that portion of such service that was performed over routes between points on the basic system.

(g) As exhibit G—an estimate of what the added expenses would have been for hauling carrier personnel, material, and company mail if no passenger service had been provided during 1969.

§ 1123.5 Form and style.

The application and exhibits shall conform with rule 15 of the general rules of practice (1100.15 of this chapter).

§ 1123.6 Procedure.

(a) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application, and 15 copies thereof for the use of the Commission. The original application shall be signed in ink by the applicant, if an individual, by all partners, if a copartnership, and if a corporation, association, or other similar form of organization, by its president, vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall show that the affiant is duly authorized by the applicant to verify and file the same. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted.

[FR Doc.73-9608 Filed 5-14-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER 1—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Determination of Base Rates Subsequent to Reductions in Wages or Salaries

Section 130.5 is added in the amendment set forth below to incorporate rules relating to the determination of base rates with respect to contracts entered into and pay practices established after January 10, 1973. In many situations, contracts or pay practices provided for specified wage or salary rates to be in effect for certain periods of time, or specified wage or salary increases to be put into effect on certain dates, and these rates or increases were required to be reduced by reason of a Pay Board or Cost of Living Council decision and order or by agreement of the parties pursuant to the phase II regulations.

The new § 130.5 clarifies the application of the phase II rules relating to computation of a base compensation rate. The regulation provides that in computing the amount of increase in wage rates or wages or salaries pursuant to a collective-bargaining agreement or pay practice which succeeds the contract or pay practice which was in effect when the reduction occurred, the proposed increase is to be measured against a base rate or level of compensation which is not in excess of that permitted under the prior succeeded contract or pay practice after the reduction.

This clarification is intended to carry out the policy of section 3 of Executive Order No. 11695 to preserve the effect of actions settled under the phase II rules.

Because the purpose of this amendment is to provide immediate guidance for compliance with the Economic Stabilization program during phase III, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, Washington, D.C. 20508.

This amendment is effective as of January 11, 1973.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; Economic Stabilization Act Amendments of 1973, Public Law 93-28, 87 Stat. 27; Executive Order No. 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973)

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

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

Subpart A of part 130 is amended by adding a new § 130.5 to read as follows:

§ 130.5 Determination of base rates subsequent to reductions in wages or salaries.

A wage or salary increase payable with respect to a job or an appropriate employee unit pursuant to a collective-bargaining agreement entered into or a pay practice established after January 10, 1973, shall be computed by taking into account a base wage or salary rate (or level of compensation) that does not exceed the rate (or level) permitted to be paid with respect to such job or such unit pursuant to a decision and order issued by the Pay Board or the Council or pursuant to the operation of any regulation or ruling issued under the Economic Stabilization program.

[FR Doc.73-9800 Filed 5-14-73;11:41 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[Oil Import Reg. 1, Rev. 5; Amdt. 58]

OIL IMPORT REGULATION 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

This amendment 52 amends sections 9A and rescinds sections 24 and 31 of Oil Import Regulation 1 (rev. 5).

In section 9A, "*Allocations based on exports of petrochemicals,*" there appeared in the FEDERAL REGISTER for February 8, 1973 (38 FR 3606), a proposal to amend section 9A which provides for allocations of imports of crude and unfinished oils into districts I–IV and district V to persons operating petrochemical plants based on quantities of "eligible petrochemicals" (as defined) which those persons manufactured and which are exported.

The allocations provided for by section 9A are, pursuant to the authority of paragraph (b) of section 4 of Proclamation 3279, as amended, outside the levels prescribed for such imports by section 2 of the proclamation.

Careful consideration was given to all of the comments on the proposal. Specifically, it was pointed out in the comments, that the inclusion of complex products in the list of eligible petrochemicals makes the task of assigning allocations very difficult. In acknowledgment of this concern, items covered under schedule B Nos. 629.1060 to 629.1090 inclusive, which include such items as pneumatic tires for bicycles and wheelbarrows, solid and cushion vehicle tires for baby carriages, velocipedes, etc., inner tubes for vehicles, and tire flaps, have been deleted from the list of eligible petrochemicals included in the proposed rulemaking.

Several comments, concerned with the practice of exchanges of eligible petrochemicals prior to export, suggested that the person receiving the petrochemical exchanged rather than the producer of the exported eligible petrochemical receive the allocation of crude and unfinished oils. Careful consideration of such comments by the Office of Oil and Gas has resulted in the conclusion that serious administrative and compliance review problems could result from such an arrangement which grants an allocation to a person other than a producer. Additional comments suggested that common business practices involve sales of eligible petrochemicals by the producer to other persons prior to export of such petrochemicals. Provisions are made in the regulation for the making of allocations to the manufacturer of an exported petrochemical when in fact such manufacturer is not the actual exporter. In all cases, however, the amended regulation provides for making allocations only to the person in whose facilities the eligible petrochemical was manufactured and for certification to that person or persons who exported the eligible petrochemical that the eligible petrochemical was, in fact, exported. Provision has been made in the regulation, in all cases involving export of an eligible petrochemical by a person other than the producer of such a petrochemical, that the exporter must agree in writing that his records may be inspected by the Director of the Office of Oil and Gas or his agent or agents for the purpose of verifying that the export was made.

Finally, the revised section 9A provides that in computing allocations, allocations

made for exports of eligible petrochemicals during any base period previously effective, which overlaps a base period established in this section, shall be deducted.

Section 24, *Aromatic and aliphatic hydrocarbons*, was previously required to clarify the status of certain compounds as either petrochemicals or unfinished oils and/or finished products. The definitions contained in the Presidential Proclamation of April 18, 1973 modifying Presidential Proclamation 3279, as amended make section 24 obsolete. Accordingly section 24 is rescinded in its entirety.

Section 31, *Allocations of asphalt*, Districts I–IV, is made obsolete by the Presidential Proclamation of April 18, 1973, which modified Presidential Proclamation 3279, as amended. Accordingly section 31 is rescinded in its entirety.

This amendment 58 shall become effective on May 15, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

MAY 11, 1973.

Approved May 14, 1973.

WILLIAM E. SIMON,
Deputy Secretary of the Treasury.

1. Section 9A of Oil Import Regulation 1 (rev. 5) is amended in its entirety to read as follows:

Sec. 9A Allocations based on exports.

(a) For the purposes of this section: (1) "Eligible petrochemicals" means the following materials produced in the person's facilities in districts I–IV or district V and falling into the following trade classification of schedule B of the current Department of Commerce statistical classifications of domestic and foreign commodities exported from the United States.

Trade classification schedule B number:	*Description*
231.2	Synthetic rubber and rubber substitutes except compounded, semiprocessed, and manufactures; e.g., SBR-type rubber, butyl rubber.
266.2–266.3	Manmade fibers suitable for spinning except glass; e.g., nylon staple, polyester staple.
	Chemical elements and compounds
512	Organic chemicals; e.g., ethylene glycol, acetic acid.
513.27	Carbon black.
521.4024	Orthoxylene.
521.4025	Paraxylene.
521.4027	Mixed xylenes.
554.2023–554.2026	Detergents, synthetic organic bulk; e.g., alkyl aryl sulfonate, sodium toluene sulfonated.
554.2032–554.2036	Surface-active agents, except detergents, acid-type cleaners, and textile- and leather-finishing agents.
581.1005–581.1055 581.2002–581.2058	Plastic materials and artificial resins; e.g., polyamide, phenolic, polyethylene.
581.3230	Cellulose ester molding and extrusion compositions; e.g., cellulose acetate.
581.3242	Cellulose esters (except molding and extrusion compositions) in unfinished forms; e.g., granules, powder.
581.3260	Chemical derivatives of cellulose unplasticized; e.g., cellulose acetate-butyrate (flake, powder, waste, or scrap).
599.7100	Artificial waxes; e.g., solidified polyethylene glycol, glyceryl tri-(12-hydroxystearate).
599.7505–599.7507	Antiknock mixtures.
599.7515–599.7530	Additives for lubricating oils, fuel oils, liquid gum inhibitors.
599.9960	Reagents for ore recovery.
621.0105	Carbon black masterbatch.
629.1010–629.1050	Rubber tires and tubes for vehicles and aircraft.
651.6–651.7	Yarn (including monofil and strip), thread, tire cord, and tire cord fabric of noncellulosic and cellulosic manmade fibers.

(2) "Broker" and "Export Agent" mean a person whose occupation includes the transaction of business relating to the exportation of goods.

(3) Each half of a particular allocation period (e.g., January through June) shall constitute a "base period."

(b) Subject to the provisions of this section a person who holds an allocation of imports into districts I–IV or into district V for a particular allocation period under section 9 of this regulation shall also be entitled to receive under this section 9A an allocation of imports of crude oil into districts I–IV or into district V (as the case may be) based on his exports during the base period of eligible petrochemicals produced by him.

(c) An application for an allocation under this section must be filed with the Director no later than 60 days after the last day of the base period to which the application relates. Amendments to applications resulting in upward adjustments of allocations under this section must be filed with the Director no later than the last day of the base period following the base period to which the allocation applies. An application shall be in such form as the Director may prescribe.

(d) Licenses issued under an allocation made pursuant to this section shall expire 12 months after the respective base period.

(e) (1) The Director shall determine the weight (in pounds) of eligible petrochemicals (i) which were produced in the person's facilities in districts I–IV or in district V, and (ii) which were exported from the Customs territory of the United States during the base period whether by the person, another person, a broker or an export agent or domestic or a foreign purchaser thereof in the form produced by and without value added and without further processing. The producer shall furnish such evidence as the Director may requre to establish that the export was, in fact, made including a letter from the exporter that his records may be inspected by the Director or his agents for the purpose of verifying that the export was made.

(2) The Director shall ascertain the hydrogen and carbon content (in pounds) of that part of the weight of the eligible petrochemicals determined pursuant to paragraph (e)(1) of this section, which was (i) produced by chemical reaction in the person's facilities and (ii) derived from crude oil or unfinished oils produced or manufactured in districts I–IV or in district V or imported into districts I–IV or district V pursuant to an allocation. The weight thus ascertained shall be divided by 250; and the applicant shall receive an allocation of barrels of imports of crude and unfinished oils equal to the resulting quotient. Where a person produced an eligible petrochemical from a combination of inputs which qualify under paragraph (e)(2)(ii) of this section (2) and inputs which do not so qualify, and a portion of such eligible petrochemical was exported, the hydrogen and carbon content of the exported portion shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the hydrogen and carbon could not actually have been derived.

(f) A shipment of eligible petrochemicals from districts I–IV or from district V to a foreign country or to the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands constitutes an export for the purposes of this section. A shipment of eligible petrochemicals from districts I–IV or from district V to Puerto Rico or to a foreign trade zone shall not constitute an export for the purposes of this section. If eligible petrochemicals are returned after having been exported, the total weight of such eligible petrochemicals so returned, whatever the form of the import, shall either be excluded or deducted as appropriate from the applicant's base in computing an allocation under paragraph (e) of this section.

(g) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate, 15 percent of the person's allocation. However, the Director shall permit a person holding such an allocation to import unfinished oils in an amount up to 100 percent of such person's allocation upon certification by him to the Director that such imported unfinished oils will not be exchanged, that such unfinished oils will be processed entirely in the person's petrochemical plant, and that more than 50 percent by weight of the yields from such unfinished oils will be converted into petrochemicals of which petrochemicals methane is not more than 50 percent by weight, or that more than 75 percent by weight of recovered product output will consist of petrochemicals but of which output not more than 50 percent by weight is methane.

(h) A person who imports crude oil or unfinished oils under an allocation made under this section may, except as provided in paragraph (g) of this section, exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of paragraph (b) (2), (3), (5), and (6) of section 17 of this regulation.

(i) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

(j) This section shall become effective May 15, 1973: *Provided*, That, in computing allocations under this section, as amended, allocation made for exports of eligible petrochemicals during any base period previously effective, which overlap a base period established in this section, shall be deducted.

Secs. 24 and 31 [Rescinded]

2. Section 24, *Aromatics and aliphatic hydrocarbons*, of Oil Import Regulation 1 (rev. 5) is rescinded in its entirety.

3. Section 31, *Asphalt*, of Oil Import Regulation 1 (rev. 5) is rescinded in its entirety.

[FR Doc.73-9753 Filed 5-14-73;10:34 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Pt. 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

1973–74 Fiscal Period; Expenses and Fixing of Rate of Assessment for

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of Type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,200 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1974.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid expenses: $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1974.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than May 30, 1973. All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during official hours of business.

Done at Washington, D.C., this 8th day of May 1973.

JACK THOMASON,
Director, Tobacco Division, Agricultural Marketing Service.

[FR Doc.73-9618 Filed 5-14-73;8:45 am]

Forest Service

[36 CFR Pt. 221]

NATIONAL FOREST TIMBER

Proposed Requirements in Use

Notice is hereby given that, pursuant to the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 34, 35 as amended; 16 U.S.C. 476, 551), it is proposed to amend part 221 of title 36, Code of Federal Regulations. The purpose of the revision is to set out the requirements in use of national forest timber. Section 221.2 is revised to read as follows:

§ 221.2 Requirements in use of national forest timber.

The approving officer will insure that each timber sale contract, permit, or other authorized form of national forest timber disposal is in compliance with land use plans and applicable environmental quality standards, and includes as appropriate such requirements as to provide:

(a) Practical fire prevention and suppression measures;

(b) Protection of residual live timber, including established young growth;

(c) Satisfactory regeneration of timber as may be made necessary by harvesting operations;

(d) Prevention and control of soil erosion;

(e) Favorable conditions of water flow and quality;

(f) Complete utilization of the timber as may be attained with available technology;

(g) Reduction of the hazards of destructive agencies; and

(h) Minimal adverse effects on, or protection and enhancement of, other national forest resources, uses, and improvements.

All persons who wish to submit written data, views or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Timber Management, South Agriculture Building, room 3211–A, Washington, D.C. 20250, on or before June 14, 1973.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Timber Management during regular business hours (7 CFR 1–27(b)).

ROBERT W. LONG,
Assistant Secretary.

MAY 10, 1973.

[FR Doc.73-9617 Filed 5-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Pts. 35, 56, 74, 78, 93, 97, 191, 196]

[CGD 73-58P]

OILY BALLAST DISCHARGE

Proposed Requirements

The Coast Guard is considering amendments to the oily ballast discharge regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, and oceanographic vessels, to include references to the oil pollution prevention operating requirements contained in—

a. Sec. 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

b. Sec. 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

c. 33 CFR pts. 151, 155 (37 FR 28256), and 156 (37 FR 28259).

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Coast Guard, (GCMC), 400 Seventh Street SW., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify the notice (CGD 73–53P), and give reasons for any recommendations. Comments received before June 18, 1973, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. The proposal may be changed in the light of the comments received.

No hearing is contemplated but may be held at a time and place set in a later notice in the FEDERAL REGISTER, if requested by an interested person desiring an opportunity to comment orally at a public hearing and raising a genuine issue.

The Coast Guard published a notice of proposed rulemaking in the February 15, 1973 issue of the FEDERAL REGISTER (38 FR 4516) which proposed amendments to the oily ballast discharge regulations for tank vessels, passenger vessels, cargo and miscellaneous vessels, and oceanographic vessels, to include references to laws and regulations that contain oil pollution prevention operating requirements. From the comments received concerning the proposal, it was obvious to

the Coast Guard that the public was interpreting the amendments as substantial additions to the oil pollution prevention requirements instead of references to current requirements. In order to correct any misconception of the intent of the regulations, the Coast Guard determined to withdraw the proposal of February 15, 1973 and publish a new proposal that would state the proposed amendment as clearly as possible.

Accordingly, the proposal published in the February 15, 1973 issue of the FEDERAL REGISTER (38 FR 4516) is hereby withdrawn.

The proposed amendments in this document would add to §§ 35.01–40, 56.50–50, 74.15–10, 78.85–1, 93.13–10, 97.75–1, 191.25–10, and 196.75–1 a reference to the Federal Pollution Control Act, the Oil Pollution Act, 1961, and the implementing regulations in 33 CFR 151, 155, and 156 so that the reader will refer to these requirements and apply them to applicable circumstances.

In consideration of the foregoing, it is proposed to amend chapter 1 of title 46, Code of Federal Regulations as follows:

PART 35—OPERATIONS

1. By revising § 35.01–40 to read as follows:

§ 35.01–40 Prevention of oil pollution—TB/ALL.

A tank vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 56—PIPING SYSTEMS AND APPURTENANCES

2. By revising paragraph (n) of § 56.50–50 to read as follows:

§ 56.50–50 Bilge and ballast piping.

* * * * *

(n) Oil pollution prevention requirements for bilge and ballast systems are contained in subpart B of part 155, title 33, Code of Federal Regulations.

PART 74—STABILITY

3. By revising the second and third sentences of paragraph (b) of § 74.15–10 to read as follows:

§ 74.15–10 Liquid ballast.

* * * * *

(b) * * * Oil pollution requirements are contained in—

(1) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) CFR parts 151, 155, and 156.

PART 78—OPERATIONS

4. By revising § 78.85–1 to read as follows:

§ 78.85–1 General requirements.

A passenger vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 93—STABILITY

5. By revising paragraph (b) of § 93.13–10 to read as follows:

§ 93.13–10 Liquid ballast.

* * * * *

(b) The liquid ballast used in an oil tank must be discharged in accordance with—

(1) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) 33 CFR parts 151, 155, and 156.

PART 97—OPERATIONS

6. By revising § 97.75–1 to read as follows:

§ 97.75–1 General requirements.

A cargo vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

PART 191—SUBDIVISION AND STABILITY

7. By revising paragraph (b) of § 191.25–10 to read as follows:

§ 191.25–10 Liquid ballast.

* * * * *

(b) The liquid ballast used in an oil tank must be discharged in accordance with—

(1) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(2) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(3) 33 CFR parts 151, 155, and 156.

PART 196—OPERATIONS

8. By revising § 196.75–1 to read as follows:

§ 196.75–1 General requirements.

An oceanographic research vessel must be operated to meet the requirements in—

(a) Section 311 of the Federal Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1161);

(b) Section 12 of the Oil Pollution Act, 1961, as amended (75 Stat. 404; 33 U.S.C. 1011); and

(c) 33 CFR parts 151, 155, and 156.

(R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 49 U.S.C. 1655(b)(1); 49 CFR 1.46 (b) and (o)(4).)

Dated May 9, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-9573 Filed 5-14-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Pts. 2, 21]

[Docket No. 19311; FCC 73-455]

MICROWAVE RADIO

Digital Modulation Techniques

In the matter of establishment of policies and procedures for the use of digital modulation techniques in microwave radio and proposed amendments to parts 2 and 21.

1. A notice of inquiry in the above-captioned matter was released on September 15, 1971, 31 FCC 2d 716. The purpose of the inquiry was to gather data on what effects digital transmission techniques would have on current microwave transmission methods from the standpoint of interference and the necessity to modify our rules to permit utilization of digital transmission techniques. In order to elicit a more comprehensive response we asked a number of specific questions on various points. Comments were filed on or about November 16, 1971, and reply comments on or about January 17, 1972, by various associations, carriers, manufacturers, and users (see appendix A for a list thereof).

COMMENTS RECEIVED

2. The majority of those commenting conclude that digital modulation techniques could and should be introduced into the microwave frequencies below 15 GHz (gigahertz) and that this could be accomplished without causing any detrimental effects to current operations if appropriate safeguards are applied. In the bands above 15 GHz all respondents agreed that digital modulated systems should be the rule rather than the exception. A number express the belief that the use of digital transmission techniques will be as efficient in the utilization of the frequency spectrum as the present methods and perhaps more so, especially after more experience is obtained and improvements are incorporated into the equipment.

3. The coexistence of these different modes of operations in the same bands is dependent upon the users of digital techniques employing certain precautions to reduce the possibilities of degrading the performance of analog systems. Under

such circumstances American Telephone and Telegraph Company (A.T. & T. or Bell), Data Transmission Co. (Datran), Nippon Electric Co. (Nippon), and others do not foresee interference between digital and analog systems as being any greater than the interference experienced between analog systems.

4. The MCI Carriers (MCI) and General Telephone and Electronics Co. (GTE) do not, however, share the views of many other participating parties in regard to permitting digital transmission in the frequency bands between 2 and 11 GHz. According to these respondents, especially MCI, there is not enough known about the impact such operations will have on existing systems and therefore, if permitted in these bands, digital operation should initially be on developmental basis. According to MCI this developmental program should proceed under the guidance of the Commission and is justified considering: (1) The inefficiency existing digital test installations have shown in spectrum usage; (2) the extent of disagreement among design engineers, users, manufacturers, and other interested parties as to the technical features, economy, efficiency, and reliability of digital modulations; and (3) the potential for harmful interference to existing FDM–FM (frequency-division multiplex-frequency modulation) systems resulting from such operations. It states:

> Against these unknowns, another working premise is suggested. We believe that through a development program fully monitored by the Federal Communications Commission relative to digital transmission techniques some of the answers to the unknowns will be forthcoming. We believe this to be an eminently desirable and worthwhile effort. It will help to remove the many uncertainties regarding digital transmission techniques. Focus on the advantages versus the disadvantages should become much clearer and issues such as the character, quality and kind of bit streams over what amount of bandwidth should be more readily determinable after a phased and carefully coordinated and fostered developmental program.

5. GTE contends that there has not been any control on the interfering characteristics of developed digital systems and that the efficiency in which the bands below 13 GHz are currently being employed will be endangered if digital operations are introduced precipitously. GTE acknowledges that digital facilities could be developed which could coexist with conventional microwave systems. However, it does not feel that development will proceed in this manner unless the Commission initially establishes specific guidelines to direct the development of necessary controls on digital operations. Furthermore, it states that even though digital systems may be designed to exist in the current communication environment, such systems will most likely have a greater interference potential to FDM–FM systems than FDM–FM systems would have with respect to each other.

6. It is generally the consensus that the higher frequency bands should be considered primarily for digital transmission. Some of the reasons given are the lack of existing use in those bands, the absence of technical restraints, the ability of digital systems to endure a greater degree of interference, and its more economical use of the frequency spectrum in the higher bands. According to A.T. & T. there are two modulation methods which utilize bandwidth expansion techniques that will achieve maximum information capacity, and they are digital angle modulation (FSK and PSK)[1] and high-index analog modulation, A.T. & T. states:

> Both modulation methods show interference resistance that increases nonlinearly with bandwidth expansion. Because of the large number of repeaters required, analog modulation has the disadvantage of accumulation of degradation, whereas digital modulation is almost free from accumulation of distortion and noise. This effect suggests predominantly digital development of the bands above 15 GHz.

7. MCI proposes that these higher radio frequency bands be utilized for implementation of a digital developmental program and that any decision on this matter be deferred until about 1975 to give the Commission an opportunity to review information derived from actual operations and to base its conclusions on more concrete evidence than that offered by the comments received in response to this docket.

8. It is generally recognized that in a band shared between analog and digital systems, the analog facility is more susceptible to interference from the digital than the reverse. A.T. & T., Datran, Nippon, and others, conclude that an introduction of digital modulated microwave systems into the present FDM–FM microwave environment would not be harmful to the current communication environment and would not be inefficient in the use of the frequency spectrum. However, they contend that the achievement of coexistence between analog and digital systems must be accompanied by some technical limitations on spectrum shape and density of the digitally modulated signals since digital signals tend to have greater sideband power levels than those of low index FDM–FM systems and to occupy the channel width more fully. According to A.T. & T., Datran and Nippon, the digital signals must be filtered to eliminate the radiation of a broader bandwidth signal than required by the receiver.

9. Another factor pointed out by several respondents is the interference potential of the energy produced by the repetitive bit patterns in the digital stream. As a guard against interference produced by this characteristic, A.T. & T. recommends the use of a scrambling device which will randomize the repetitive bit sequences and thereby reduce the interference potential. A.T. & T. also points out that frequency coordination as required pursuant to § 21.100(d) will also assist in insuring compatibility between digital and analog facilities, but it recognizes that the parties involved will have to develop new technical standards governing permissible carrier to interference ratios.

10. According to several respondents, digital systems, despite a low channel capacity, will be as effective, in terms of frequency usage, in transmitting voice as current analog systems. The basis for this conclusion seems to rest on the ability of digital systems to transmit two channels on the same frequency by cross polarization techniques and the possibility of placing carrier frequencies of digital systems on closer spacing. However, MCI points out that it is not accurate, by way of comparison to analog systems, to conclude that twice as many digital channels are available through the use of cross polarization since cross polarization frequency enables two FDM–FM channels on the same frequency to coexist in close proximity (but not on the same path).

11. In addition to general comments on digital modulation, we also solicited comments on a number of specific subsidiary questions relating largely to possible restraints. The responses to those questions are summarized below in very brief fashion.

(a) What is the expected technical impact of digital modulation systems on conventional FM operations?

As noted above the majority of the respondents agree that some harmful interference could occur from an introduction of digital transmission systems into the present radio environment but that this could be avoided by initiating various controls on the power spectrum of the digital signals.

(b) If problems exist, can they be controlled? How?

(c) What technical limitations should be imposed?

Avantek, A.T. & T., Nippon and others suggest that filters be made a requirement for operating in the digital mode. A.T. & T. recommends that these filters be capable of reducing the power in the spectrum beyond the first nulls of the emission spectrum 50–55 dB below that at the center of the spectrum for frequency bands to be shared with analog systems and 35–40 dB for frequencies which would be primarily for digital systems. However, Nippon appears to take the position that a 25–30 dB (dicibel) suppression of the energy beyond the first nulls would be adequate for all frequency bands. Raytheon, EIA, and Vicom suggest the establishment of power density spectrum curves which can be calculated for various bands and channel loadings. In addition Avantek, A.T. & T., and Nippon recommend pseudorandom noise sources (scramblers) be required when PSK modulation techniques are employed in frequency bands below 15 GHz. GTE recommends that all carriers proposing the use of digital modulation techniques be required to include in their coordination information a full de-

[1] Frequency shift keying and phase shift keying.

scription of the spectral characteristics of the proposed facilities.

(d) Should this transmission technique be authorized in all microwave bands * * *?

Most of the comments favor using digital transmission techniques in all microwave bands because of its inherent advantages over techniques currently employed by conventional microwave systems. However, a few of the comments indicate some reservations about allowing full use to occur at this stage of digital developmental and suggest only authorizing developmental operations. GTE suggests that digital transmission be excluded from the bands below 13 GHz for local distribution purposes except on an emergency basis with the understanding that such operation would be transferred to a band above 13 GHz once adequate frequency allocations and equipment become available.

(e) Would it be advantageous to establish a minimum required voice channel or bit capacity for digital systems? If so, what should be the minimum capacity? Should said capacity be related to the occupied bandwidth? What relationships would be appropriate?

A number of comments conclude that it is too early to establish minimum capacity levels for digital modulation use over microwave since its development is still in infancy, with many improvements to come. Avantek's approach to this question, if minimums are to be established, would entail specifying discrete capacities for only the 4 and 6 GHz common carrier bands. The suggested minimum are 288 voice circuits or 20 Mb/s of data per assigned frequency and polarization. In general, Avantek, Department of Defense, and others suggest a relationship between occupied bandwidth and channel capacity of approximately one Hertz per bit/second of digital rate. GTE recommends granting one channel regardless of the initial load, but before additional channels are authorized it must be shown that the previously authorized channel has been utilized to the maximum extent.

(f) If phase shift keying is proposed, should there be a lower limit on the number of phases employed? What is the optimum trade off of bandwidth reduction by multiphase modulation versus greater sensitivity to interference of such modulation methods?

Many respondents point out that PSK modulated systems (of four phases or more) tend to require less bandwidth for transmission of information as the number of phases are increased, but the increase in number of phases also requires a greater amount of power for system operation, thereby creating a greater source of potential interference. They also state that an added effect of increasing the number of phases is the greater susceptibility to interference these systems acquire. The selection of the number of phases not only relates to the optimum trade-off of bandwidth reduction versus greater sensitivity to interference but also depends on the interference environment, the associated cost of increasing complex equipment, and the desired bit and error rates. For these reasons the majority of the comments recommend that no specific limitation regarding the number of phases be established, although many believe that at the current state of development four phase modulation is probably nearest to optimum. Taking an exception to this view is the Utilities Telecommunications Council. It does not suggest a definite number of phases but does indicate that it should be some number greater than two because two phase operation is wasteful of bandwidth.

(g) Should regeneration of the bit stream be required at every relay (or at every "n" relay), in the interest of making systems less sensitive to interference?

Generally, the comments recommend that regeneration be left as a prerogative of the system designer and not be determined by rule. It is contended that to require regeneration at every relay may prove to be uneconomical for long-haul systems (although it may be desirable in some cases) and that other factors must be considered, such as the tendency of the system to be limited by interference and the interference environment in which the system will exist.

(h) Should digital operations be confined to certain locales or to certain services (i.e. Pt/Pt microwave fixed, satellite, private microwave, etc.)?

There is general opposition to confining digital operations to any particular locale or service since such limitations have the effect of denying some users and segments of the public the benefits of this mode of operation. The National Association of Business and Educational Radio is very much opposed to restrictions or limitations on the use of digital equipment in any of the private microwave services. It claims that in many instances digital microwave is performing services not yet available from common carriers.

(i) Would it be in the public interest to limit digital transmission in the carriage of digital data only (prohibit voice carriage over such facilities)?

The general consensus of those commenting is that there should be no flat prohibition on the transmission of voice communications over digital facilities. MCI states that some limitations may be advisable when voice traffic exceeds some modest volume because of inefficient spectrum efficiency. Datran takes the view that technological advances are likely to increase the efficiency of digitized voice transmissions.

(j) What considerations should be given and methods employed in calculating necessary bandwidth required for microwave systems employing digital modulation techniques. The various keying methods, i.e. phase shift keying, frequency shift keying, etc., should be considered.

Few definitive suggestions for calculating necessary bandwidth were received. Several, including EIA, suggested that each manufacturer be required to calculate the necessary bandwidth for his equipment (presumably at the time of type acceptance) and justify the method of calculation.

However, A.T. & T., Nippon, Datran, and several others do make specific proposals for calculation. A.T. & T. lists several possibilities for PSK systems but prefers considering the necessary bandwidth as that bandwidth between the first nulls on either side of the carrier frequency, provided that the signal power density outside of this range is controlled to a specified limit. For FSK systems A.T. & T. believes the currently applicable formula for analog systems (as specified in § 2.202) would be appropriate. Nippon recommends the following formula for PSK systems:

$$Bn = 2 \times \frac{Sp}{\log_2 m} \times K$$

where:

Bn = Necessary bandwidth.
Sp = Total bit rate.
m = Number phases.
K = Constant (varies with equipment but is generally 0.75).

For FSK systems it recommends:

$$Bn = 2 \times \frac{Sp}{\log_2 m} \times (K + D)$$

where:

K = Constant (dependent on filter—about 0.5).
D = Deviation ratio (determined from the value of the S/N required to obtain the arbitrary bit error rate and bandwidth—generally 0.4–0.5).

Datran suggests a similar formula for PSK but its FSK formula is somewhat different (from Nippon's):

$$Bn = \frac{R}{\log_2 n} + (n-1)\Delta f$$

where:

R = Data rate.
n = Number phases.
Δf = Frequency separation of levels.

12. With regard to the likely development of digital transmission techniques, we asked questions (k, l, and m) relating to the types of techniques that are likely to be used and the growth of applications over the next 5 to 20 years, the likely impact of technology, and the claim of better reliability for digital systems. It is generally conceded that during the past 15 years much of the digital data transmission needs have been primarily accommodated by conversion to an analog mode, though the situation is changing. As digital systems become more economical and the growth of data services increase, digital systems will be built to provide for both data and voice communications. There is general agreement that there will be a sharp upturn in digital communications requirements. A.T. & T. states it has investigated ways to improve transmission of digital data over existing microwave systems dedicated

primarily to voice communications. It has devised a method of transmitting digital data over analog microwave facilities by employing the lower part of the modulating baseband which they call "Data Under Voice." [3] A.T. & T. has also developed digital equipment with a 20 Mb/s channel capacity which is designed to handle three 6.3 Mb/s bit streams which it anticipates will be put into service by about 1977 for carrying digital data. It estimates that as far as the next 10 years is concerned digital transmission requirements will greatly increase and will be accommodated by high capacity coaxial cable, waveguide and new digital systems operating in frequency bands above 15 GHz. It believes that significant use of these higher band frequencies will be necessitated by lack of available frequencies in the increasingly congested 4, 6, and 11 GHz common carrier bands. However, A.T. & T. indicates that spectrum utilization could be improved by an exploratory program in single sideband AM microwave which could, if successful, yield more than double the capacity of FDM-FM systems and be compatible with these systems under the present interference criteria.

13. Datran envisions a vast need for digital transmission techniques to provide for the communications requirements of the many segments of our economy including securities, insurance, and retailing industries. In the area of insurance, it envisions that digital data transmission will develop from transaction data collections, automated premium payments, inquiries to a centralized medical data base on insurance applicants and will also satisfy the need to transmit premium and claim transaction data between various field and home offices. In the retailing industry it forsees data transmission as a means of controlling distribution of merchandise from warehouses to stores, controlling inventory levels, and implementing on-line sales and credit systems. In the securities industry it believes that significant data transmission capacity will be required to meet immense volume and the need for more rapid completion of transactions.

14. Most comments indicate that significant future technical innovations and refinements may be anticipated, but they are very limited on specifics. In Western Union's view the most likely method of modulation to be heavily employed in the future will be PSK modulation because of its high theoretical efficiency. Few others venture any definite predict- Few others venture any definite predictions on which digital technology, if any, is likely to become predominant, but the most interest appears to be currently centered on PSK. Canadian Marconi indicates that much experimental and developmental work is underway, but that most of this work is proprietary and therefore inaccessible. However, it does express the belief that advancing component technology will lower the cost and improve the performance and reliability of digital microwave, that new encoding methods will be more resistant to interfering signals, and that new methods of supressing sideband radiation will allow closer spacing of microwave systems.

[3] Such a system has been authorized by Commission between Chicago, Ill., and New York, N.Y.

Discussion

The frequency bands below 15 GHz.— 15. The comments filed in this proceeding can be classified into two groups in regard to the approach to be taken in introducing digital modulation techniques in the same atmosphere with analog systems. One group suggests the institution of a developmental program to explore any problem areas related to digital techniques and to develop rules later. The second group, which comprises the majority, recommends that digital systems be allowed to share the same bands with current microwave systems subject to some technical restraints to reduce the potential of interference. Advocates of the developmental approach conclude that there may not be satisfactory co-existence of digital and analog systems in the frequency bands below 15 GHz. As previously noted this premise is based largely on the alleged interference potential to which the analog systems would be subjected and the great amount of bandwidth required to carry voice channels via a digital system.

16. We are not persuaded by the arguments advanced by the "developmental advocates" that digital equipment should be excluded from regular authorization in the lower frequency bands. While we do acknowledge an increased interference potential and less efficient voice transmission capability, we are of the opinion that these liabilities can be controlled. Therefore, we generally propose to authorize the use of digital equipment in the lower bands subject to restrictions necessary to protect the operation of analog systems in those bands.[3]

17. Present day operations indicate that when employing digital modulation techniques there is a more even distribution of radiated energy within the authorized bandwidth than when using frequency division multiplex (FDM) techniques. Therefore, the potential for increased levels of emissions outside of the authorized bandwidth appears to be greater for digital as compared with an FDM signal. Although there is some disagreement as to the specific amount such emissions should be attenuated, there is general agreement that attenuation is required. Some respondents indicated that the level of out-of-band emissions should be referenced to the maximum level of emissions appearing within the authorized bandwidth. However, we do not consider this to be practical, considering the dependence of such in-band emissions upon the modulated signal. Therefore, we are proposing that the reference for the required attenuation of out-of-band emissions be the mean output power of emission, as is presently the practice in other radio services and with other forms of modulation. Therefore, we are proposing the specific limitations shown in appendix B, § 21.106 emission limitations. We believe that the cost to achieve this attenuation will be minimal over that necessary to provide the attenuation presently specified in our rules. However, we invite specific comments with regard to this requirement. Note that this requirement differs for the frequency bands above and below 15 GHz.

18. Some comments suggest that it is desirable to use scrambling techniques (e.g. pseudo-random noise generators) to minimize the occurrence of spectral energy concentrations which exist when transmitting repetitive coding sequences. Although the use of such devices may be desirable, we do not believe, on the basis of present information, that a regulatory requirement for their use is necessary. We believe that the decision as to their use should presently be left to the discretion of the system operator or designer, and that the matter of out-of-band interference potential is adequately addressed in our proposed emission limitation requirements.

19. Currently, all microwave carriers are required to coordinate the proposed frequency usage of contemplated microwave facilities with other carriers or users within the area of intended operation (see rule § 21.100(d)). This requirement would, of course, be continued with respect to digital facilities. However, in addition to the information now required to be included in the coordinating process, we further propose that proposals involving the use of digital microwave systems in the bands below 15 GHz include a description of the modulation techniques proposed and, upon request of the parties being coordinated with, a complete description of the spectral characteristics of the equipment proposed.[4] This we hope will facilitate clearing proposals and avoiding impact on analog facilities.

20. In addition to minimizing the potential for interference to systems employing frequency division multiplex (FDM) modulation techniques, we are concerned with the capability of facilities employing digital modulation tech-

[3] Certain microwave systems employ digital and frequency division multiplex techniques to simultaneously modulate a radio frequency carrier. We propose to consider such operations digital, and thus subject to the technical requirements for digital modulation techniques, if they operate in accordance with the criteria in § 21.120(f), as shown in appendix B.

[4] In amending § 21.100(d), we are taking this opportunity to incorporate into the coordination procedures the informal guidelines that are currently being used. Also, coordination would be made applicable to applicants in the Domestic Public Land Mobile Radio Service which share the 2 GHz common carrier band for control and repeater uses.

niques to provide for encoding a sufficient number of speech channels, particularly in the lower frequency bands. One of the reputed advantages of digital modulation techniques is the ability to receive with a reduced carrier-to-noise ratio, in comparison to using FDM modulation techniques, thereby allowing the use of the same radio frequency twice on a particular path by employing cross-polarization discrimination.

The respondents favoring immediate unrestricted utilization of digital modulation techniques cite this capability as the means by which the systems employing such techniques will be able to carry as many encoded speech channels in a given amount of radio frequency bandwidth as could be carried by FDM techniques. However, this appears to be an oversimplification of the matter. It appears that greater utilization of the spectrum may be obtained by using a modulation technique with a format similar to that of the information to be sent, i.e., digital modulation techniques for information in discrete states, such as data, and FDM techniques for information in analog form, such as speech. As an example, if we consider a system operating within an authorized bandwidth of 20 MHz we should, with proper encoding, be able to carry a 20 megabit per second signal by use of digital modulation techniques. However, if we consider a 1200 voice channel FDM system with a maximum capability of 9.6 kilobel per second (kB/s) per voice channel, the system capacity will be only 11.52 megabits per second. Conversely, present operational FDM techniques will permit 1800 speech channels to be accommodated within a 30 MHz authorized bandwidth, whereas the same bandwidth will often accommodate only about 960 speech channels encoded for transmission by digital modulation techniques, even when employing polarization diversity. While we understand that newer and more sophisticated equipment being developed will substantially improve the efficiency, spectrumwise, of employing digital modulation technique to carry encoded speech channels, it is unlikely in the near future to equal the capacity of the more advanced equipment employing FDM techniques to carry speech channels.[5]

21. On the basis of current technology, we would then expect that all information in discrete state or digital form should be transmitted by digital modulation techniques and all information in continuous or analog form should be transmitted by FDM techniques. However, there are practical reasons why this cannot always be done. The most obvious is that the vast majority of existing transmission facilities normally employ FDM or analog modulation techniques but of necessity will also have to handle some information in discrete state or digital form, at least on the less dense routes, for many years to come. Also, it appears that there are some economic reasons why it may be desirable to employ digital modulation techniques to handle encoded voice channels, especially on short routes.[6] Therefore, we do not propose to exclude transmission of speech channels by digital modulation techniques or of information in discrete form by FDM technique. However, we believe it would be appropriate to place some minimum requirement upon the equipment employing digital modulation techniques insofar as its capability to carry encoded speech channels. Therefore, we are proposing to require that all transmitting equipment employing digital modulation techniques and used in the lower frequency bands be capable of operation with a bit rate numerically equal to or greater than the authorized bandwidth and where employed to carry encoded speech channels, have a capability to carry a minimum of 1200 such speech channels for operation in the 4, 6, and 11 GHz common carrier bands and 96 such speech channels for operation in the 2 GHz common carrier bands. These capabilities for carrying encoded speech channels are reduced by one-half under certain specified conditions as indicated in the proposed § 21.120(e)(3), shown in appendix B. These minimum capabilities should permit some flexibility in the operation of systems employing digital modulation techniques, while providing reasonable constraints against possible inefficient use of the frequency bands presently experiencing congestion.

22. Since PSK, or some form of PSK, appears to be the preferred digital modulation technique and the one on which most of our considerations have been based, some comments are in order on this technique. We understand that multiplex equipment has been developed for PSK employing 2, 4 and 8 signaling states (phases), with 16-signaling state equipment a future possibility. As the number of signaling states are increased, the system capacity is increased (or the required bandwidth decreased) but an increase in transmitter power is required. The increase in transmitter power increases the interference potential of a system. For example, Datran states that a 16-state PSK system (compared at an error rate of 10^{-6}) requires a signal which has a power level such that it presents a potential source of interference which is 8.2 dB greater than a signal from a system employing 2 signaling states. Also, a PSK system employing a greater number of signaling states (i.e., 8 or 16) requires greater carrier-to-noise ratios for equal error rates, and therefore may not be able to successfully utilize quadrature polarization of antennas to permit the use of a single radio frequency channel to obtain two separate transmission paths. When comparing 2 and 4 signaling state systems, it is generally conceded that there is no difference in the amount of power required for the same total signaling rate, if the bandwidth of the 4-state system is reduced by one-half. It appears from this that the use of a 4-state system would be desirable for efficient use of the frequency spectrum. However, we are not presently proposing to place any such limitation upon the technical requirements for equipment, but instead we are proposing that the signaling rate in bits per second be numerically equal to or exceed the authorized bandwidth in Hz for equipment operating below 15 GHz. Inasmuch as the use of digital modulation techniques with microwave systems is relatively new, we intend to follow closely the nature of its development and use. At a later date, we may find that additional technical parameters (e.g. requirements for certain numbers of signaling states, and requirements for regenerative repeaters) should be specified. However, at this time, we believe the minimal requirements set forth in this proceeding will provide controls adequate to permit effective administration of our spectrum management responsibilities without unduly restricting the development of the technology.

The frequency bands 15 GHz and above.—23. It is the consensus of the comments that digital modulation techniques can be applied in these higher bands without the problems anticipated in the lower bands. In fact some of the comments suggest that only digital methods be allowed in the bands above 15 GHz in light of the scarce use currently being made of these frequencies and the relatively few problems that would be encountered. Even though the transmission techniques to be employed in these bands appear most likely to be virtually all digital, we do not believe that it is necessary to confine the use of this region of the spectrum to digital techniques. To impose such a restriction, we believe, would be shortsighted since no one is sure what innovations the future will bring. Nor would such restriction appear necessary or advisable from a technical standpoint since digital transmissions are considered to be less sensitive to interference from analog systems. Although we are not proposing restrictions on the type of modulation that can be employed, it shall be incumbent upon users proposing modulation techniques other than digital, to design their systems to reasonably tolerate a digital environment.

24. Initially, we propose a minimum of technical constraints for equipment em-

[5] Even if digital equipment could equal the voice carrying capacity of analog equipment for the same amount of radio frequency bandwidth, its use of both polarizations on a frequency would limit the ability of digital systems to be located in closer proximity to other systems, especially FDM systems. This is because the cross polarization discrimination which could otherwise be used to avoid frequency conflicts is not available since both polarizations would be utilized by the digital system. Therefore, all other things being equal, the system that uses a single polarization is preferable.

[6] One example of this is where a microwave system interconnects with a T carrier cable system. Since the T carrier is designed to carry voice in a digitally encoded format, it can be interconnected to microwave facilities employing digital modulation techniques, without utilizing additional multiplex equipment.

ploying digital modulation techniques and operating in these higher frequency bands. The main consideration at this time will be for minimizing emissions outside of the authorized bandwidth. Therefore, we are proposing certain minimum attenuation requirement for such emissions. Our proposal is set forth in appendix B, § 21.106 emission limitations. While we expect the higher bands to be used in an efficient manner, we are not presently faced with the difficulties in frequency assignment which prevail in the lower frequency bands. With this in mind, we believe that the innovative use of these bands to provide better and more economical communications will be encouraged by specifying a minimum of technical constraints. Specifically, we are not presently proposing to apply any minimum speech channel encoding requirements to equipment operating in the bands above 15 GHz.

Calculation of bandwidth.—25. We are proposing to modify the existing tables for calculating necessary bandwidth shown in § 2.202 of our rules. The formulas shown in appendix B would apply to amplitude-, frequency-, or phase-modulated emissions which obtain when employing digital modulation techniques.

26. The formulas proposed for amplitude modulated emissions have been developed from those specified for other types of keyed emissions. However, we recognize that the value for K, shown as 6 may require modification for amplitude modulated emissions, depending upon certain transmission considerations, or that R specified as the signaling speed in bits per second, for frequency modulated emissions, may have to be adjusted to account for additional required signaling frequency components appearing beyond the fundamental frequency corresponding to the signaling rate. For phase shift keying, we are proposing a formula specified in some of the comments received. Our proposal for frequency shift keying is a modification of the present $2M+2DK$ formula for calculation of necessary bandwidth in FDM systems. Here, we have specified a value of unity for K. The specified method of considering the maximum modulation frequency in FDM systems as the fundamental frequency of the signaling rate, R, may require modification, and should be commented upon. The peak frequency deviation will normally be considered as being the deviation produced by the digital modulation plus the peak deviation produced by any FDM signals.

27. We recognize that the occupied bandwidth of a digitally modulated signal may be greater than the necessary bandwidth of an FDM–FM signal of the same capacity and, therefore, may be of greater significance in determining the authorized bandwidth. However, we are not convinced that there is good reason for departing from the existing definition of occupied bandwidth contained in § 2.202(a) of the rules. But we do raise the question of whether the resulting authorized bandwidth will permit the full utilization of adjacent channels (under existing frequency plans) by analog and digital equipment.

Conclusion

28. Appendix B hereto contains the details of the rules proposed. Applications proposing the use of digital techniques may be filed. If they are consistent with the proposed rules, they may be granted, but any authorizations issued will be made subject to the finalization of the rules in this proceeding. Applications not consistent with the proposed rules will not be granted but will be retained on file pending the finalization of this proceeding.

29. Authority for this proposed rulemaking is contained in sections 4(i), 303, and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before July 2, 1973, and reply comments on or before August 3, 1973. In reaching its decision in this matter, the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

30. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

Adopted May 3, 1973.

Released May 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Appendix A

COMMENTS FILED IN DOCKET NO. 19311

Aerospace and Flight Test Radio Coordinating Council.
American Telephone & Telegraph Co.
Association of American Railroads.
Avantek, Inc.
Canadian Marconi Co.
Central Committee on Communication Facilities of the American Petroleum Institute.
City of Anchorage Telephone Utility and Matanuska Telephone Association, Inc. (Joint).
Collins Radio Co.
Columbia Broadcasting System, Inc.
Communications Satellite Corp.
Cubic Corp.
Culberton Industries, Inc.
Data Transmission Co.
Electronic Industries Association (Pt/Pt Communications Section).
Farinon Electric.
GTE Lenkurt.
GTE Service Corp.
International Microwave Corp.
Laser Link Corp.
Martin Marietta Corp.
MCI Carriers.
Microwave Associates, Inc. & Vicom (Joint).
National Association of Manufacturers.
Nippon Electric Co., NEC America, Inc.
Raytheon Co.
Secretary of Defense.
Somerset Telephone Co.
United States Independent Telephone Association.
Utilities Telecommunications Council.[1]
Western Union Telegraph Co.

REPLY COMMENTS

Aerospace and Flight Test Radio Coordinating Council.
American Telephone & Telegraph Co.
Avantek, Inc.
City of Anchorage Telephone Utility and Matanuska Telephone Association (Joint).
Communications Satellite Corp.
Data Transmission Co.
Electronic Industries Association (Satellite Telecommunications Section).
MCI Carriers.
National Association of Business and Educational Radio, Inc.
National Association of Manufacturers.
Somerset Telephone Co.

Appendix B

It is proposed to amend parts 2 and 21 of chapter I of title 47 of the Code of Federal Regulations as follows:

1. In § 2.1 add the following definition in appropriate alphabetical order:

§ 2.1 Definitions.

* * * * *

Digital modulation. The process by which some characteristic (frequency phase or amplitude) of a carrier is varied in accordance with a signal composed of coded pulses or states derived from quantized information.

* * * * *

§ 2.202 [Amended]

2. In § 2.202 modify paragraphs (e) and (g) as indicated:

* * * * *

(e) In the formulation of the table in paragraph (g) of this section, the following terms are employed:

* * * * *

R=Maximum signaling speed in binary digits (bits) per second.
S=Number of signaling states.

* * * * *

(g) Table of necessary bandwidths:

[1] Also considered in this proceeding were UTC's comments filed in Docket No. 18878.

I. AMPLITUDE MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
*	*	*	*
Composite transmission: A9 (Digital modulation with PCM encoding).	$B_n=RK$ $K=6$	Microwave radio relay specifications: Digital modulation used to send 5 megabit signaling rate by use of amplitude modulation of the main carrier. Computation of B_n: R=5×10^6 bits per second, $K=6$. $B_n=5\times10^6\times6$. Bandwidth=30,000 Hz.	30,000A9G

II. FREQUENCY MODULATION

Description and class of emission	Necessary bandwidth in Hertz	Examples	
		Details	Designation of emission
* * * * * * *			
Composite transmission: F9 (Digital modulation with PCM encoding).	$B_n=\frac{2RK}{\log_2 S}$ $K=1$	Microwave radio relay system specifications: digital modulation used to send a 10 megabit signaling rate by use of phase shift keying with 4 signaling states. Computation of B_n: $R=10^7$ bits per second; $S=4$. Bandwidth: 10^7 Hz.	10,000F9G
Composite transmission: F9 (Digital modulation with PCM encoding).	$B_n=2R+2DK$ $K=1$	Microwave radio relay system specifications: digital modulation used to send 10 megabit signaling rate by use of frequency shift keying with a 2 MHz peak deviation of the main carrier. Computation of B_n: $D=2$ MHz; $R=10^7$ bits per second. $B_n=2\times10^7+4\times10^6$ Bandwidth$=24\times10^6$ Hz.	24,000F9G

III. PULSE MODULATION

* * * * * * *			

3. Add the following to § 2.577(b)(3):

§ 2.577 General information required for type acceptance.

* * * * *

(b) * * *

(3) * * *

For equipment employing digital modulation techniques, a detailed description of the multiplex system to be used, including the response characteristics (frequency, phase, and amplitude) of any filters provided, and a description of the modulating wavetrain, shall be submitted.

* * * * *

4. In § 2.579, change the designation for subparagraph (c)(8) to (c)(9), and add a new subparagraph (c)(8) to read as follows:

§ 2.579 Measurement data required for type acceptance.

* * * * *

(c) * * *

(8) Transmitters employing digital modulation techniques—when modulated by an input signal such that its amplitude and switching rate represent the maximum rated conditions under which the equipment will be operated. The signal shall be applied through any filter networks, pseudorandom generators or other devices used in normal service. In addition, the occupied bandwidth shall be shown for operation both with and without any filtering which may be needed for purposes of shaping the spectrum of the radio frequency emissions.

* * * * *

5. In § 21.1 add the following definition in appropriate alphabetical order:

§ 21.2 Definitions.

* * * * *

Digital modulation. The process by which some characteristic (frequency, phase, or amplitude) of a carrier is varied in accordance with a signal composed of coded pulses or states derived from quantized information.

* * * * *

6. Amend § 21.100(d) to read as follows:

§ 21.100 Frequencies.

* * * * *

(d) All applicants for regular authorization in the point-to-point microwave radio and local television transmission services and in the domestic public land mobile radio service for use of the bands 2110–2130 MHz and 2160–2180 MHz shall, before filing an application or major amendment to a pending application, coordinate proposed frequency usage with existing users in the area and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference or restricted ultimate system capacity. In coordinating frequency usage with stations in the fixed-satellite service, applicants shall also comply with the requirements of § 21.706 (c) and (d). All applicants, permittees, and licensees shall cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum. Applicants should make every reasonable effort to avoid blocking the growth of systems that are likely to need additional capacity in the foreseeable future. The applicant shall identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved or if the existing licensee, permittee, or applicant does not respond to coordination efforts within 30 days after notification, an explanation shall be submitted with the application. Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in lessened quality or capacity of either system, the details thereof shall be contained in the application. The following guidelines are applicable to the coordination procedure:

(1) Coordination involves two separate elements: Notification and response. Both or either may be oral or in written form. To be acceptable for filing, all applications and major amendments must certify that coordination, including response, has been completed. The name of the carriers with which coordination was accomplished must be specified.

(2) Notification must include relevant technical details of the proposal. At minimum, this should include, as applicable, the following:

Transmitting station name.
Transmitting station coordinates.
Frequencies and polarization to be added or changed.
Transmitting equipment type, its stability, actual output power, and emission designator.
Transmitting antenna type and model and, if required, a typical pattern and maximum gain.
Transmitting antenna height above ground level and ground elevation above mean sea level.
Receiving station name.
Receiving station coordinates.
Receiving antenna type and model and, if required, a typical pattern and maximum gain.
Receiving antenna height above ground level and ground elevation above mean sea level.
Path azimuth and distance.

(3) For transmitters employing digital modulation techniques at frequencies below 15 GHz, the notification should clearly identify the type of modulation. Upon request, details of the operating characteristics of any equipment employing digital modulation techniques shall also be furnished.

(4) Response to notification should be made as quickly as possible, even if no technical problems are anticipated. Every reasonable effort should be made by all carriers to eliminate all problems and conflicts. If no response to notification is received within 30 days, the applicant will be deemed to have made reasonable efforts to coordinate and may file his application without a response.

(5) The 30-day notification period is calculated from the date of receipt by the carrier being notified. If notification is by mail, this date may be ascertained by: (i) the return receipt of certified mail, (ii) the enclosure of a card to be dated and returned by the recipient, or (iii) a conservative estimate of the time required for the mail to reach its destination. In the latter case, the estimated date when the 30-day period would expire should be stated in the notification.

(6) All technical problems that come to light during coordination must be resolved unless a statement is included with the application to the effect that the ap-

plicant is unable or unwilling to resolve the conflict and very briefly the reason therefor.

(7) Where a number of technical changes become necessary for a system during the course of coordination, an attempt should be made to minimize the number of separate notifications for these changes. Where the changes are incorporated into a completely revised notice, the items that were changed from the previous notice should be identified.

(8) Where subsequent changes are not numerous or complex, the carrier receiving the changed notification should make an effort to respond in less than 30 days. Where the notifying carrier believes a shorter response time is reasonable and appropriate, it may be helpful for him to so indicate in the notice and perhaps suggest a response date.

(9) If it is determined that a subsequent change could have no impact on some carriers receiving the original notification, it is not necessary to coordinate the change with such carrier. However, these carriers should be advised of the change and of the opinion that coordination is not required for said change.

(10) Carriers should supply to all other carriers, or known carrier applicants, within their areas of operations, the name, address, and telephone number of their coordination representatives. Upon request from coordinating carriers or applicants, data and information concerning existing or proposed facilities and future growth plans in the area of interest should be furnished unless such request is unreasonable or would impose a significant burden in compilation.

(11) Carriers should keep other carriers with which they are coordinating advised of deletions or changes in plans for facilities previously coordinated. If applications have not been filed 6 months after coordination was completed, carriers may assume, unless notified otherwise, that such frequency use is no longer desired.

7. In § 21.106, modify paragraph (a) as indicated:

§ 21.106 Emission limitations.

(a) The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) When using transmissions other than those employing digital modulation techniques:

(i) On any frequency removed from the assigned frequency by more than 50 percent up to an including 100 percent of the authorized bandwidth: At least 25 decibels;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: At least 35 decibels.

(2) When using transmissions employing digital modulation techniques (See § 21.120(f)):

(i) On any frequency removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth:

At least 50 decibels for operating frequencies below 15 GHz and 35 decibels for operating frequencies above 15 GHz;

(ii) On any frequency removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth:

At least 60 decibels for operating frequencies below 15 GHz and 45 decibels for operating frequencies above 15 GHz.

(3) On any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least 43 plus 10 Log_{10} (mean output power in watts) decibels, or 80 decibels, whichever is the lesser attenuation.

8. In § 21.120, add new paragraphs (e) and (f) to read as follows:

§ 21.120 Type acceptance of transmitters.

* * * * *

(e) Transmitters employing digital modulation techniques and operating below 15 GHz shall, with appropriate multiplex equipment, comply with the following additional requirements:

(1) The transmission rate, in bits per second, shall be equal to or greater than the authorized bandwidth in hertz, e.g., to be acceptable for use in a frequency band permitting an authorized bandwidth of 20 MHz, the equipment must be shown to be capable of operating at a transmission rate of at least 20 megabits per second.

(2) To be considered acceptable for use with 4 kHz message channels encoded as digital modulation, shall be capable of satisfactory operation within the authorized bandwidth when operating at a bit rate sufficient to encode at least the following number of such speech channels:

Frequency range (MHz):	*Number of encoded 4 kHz channels*
2110 to 2130	96
2160 to 2180	96
3700 to 4200	1,200
5925 to 6425	1,200
10,700 to 11,700	1,200

(3) The required minimum number of channels shown in paragraph (e)(2) of this section may be reduced by one-half, provided that simultaneous operation of two such transmitters at the same location, on identical radio frequencies, does not cause the error rate received from either transmitter to exceed twice the error rate received from a single transmitter operated independently. The error rate, after the permitted degradation, shall be such that acceptable operational capability will be maintained.

(f) For purposes of compliance with the emission limitation requirements of § 21.106(a)(2) and the requirements of paragraph (e) of this section, digital modulation techniques are considered as being employed when digital modulation contributes 50 percent or more to the total peak frequency deviation of a transmitted radio frequency carrier. The total peak frequency deviation shall be determined by adding the deviation produced by the digital modulation signal and the deviation produced by any frequency division multiplex (FDM) modulation used. The deviation (D) produced by the FDM signal shall be determined in accordance with § 2.202(f) of this chapter.

[FR Doc.73-9489 Filed 5-14-73;8:45 am]

[47 CFR Pt. 73]

[Docket No. 19732; RM-1946; FCC 73-465]

FM BROADCAST STATIONS; MARION, ILL.

Notice of Proposed Rulemaking and Order To Show Cause

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations (Marion, Ill.).

1. The Commission has before it a petition for rulemaking filed by 3-D Communications Corp. (3-D) seeking substitution of class B channel 297 for channel 296A as the only assignment at Marion, Ill. 3-D is licensee of station WDDD (FM) which operates on channel 296A. An informal opposition to the petition has been filed by First Trust Association (FTA), licensee of stations WEBQ AM and FM, both in Harrisburg, Ill., a little more than 20 miles from Marion.

2. 3-D contends that substitution of a class B channel would bring two important advantages. First, 3-D asserts that it would bring improved service in the area the station now serves by enabling it to overcome reception problems caused by the hilly terrain. Second, 3-D argues that it would be able to extend the station's coverage to a large area not now served and which is in need of additional radio service. Because of the increase in the population the station would serve (3-D estimates an increase to 250,000 persons from the current 75,000); 3-D indicates it would be able to operate on a 24-hour-per-day basis. According to 3-D, the proposal is consistent with all applicable requirements and requires no channel change by any existing station. It would require the removal of channel 297 which is currently assigned to Poplar Bluff, Mo. This channel is unoccupied, and 3-D proposes channel 238 as a substitute.

3. FTA disputes 3-D's contention that the channel could or should be utilized at Marion. According to FTA, the proposal to use channel 238 as a substitute for the Poplar Bluff channel would result in short spacing to channel 237A at Ripley, Tenn. FTA questions the need for a class B operation at Marion, asserting that the area into which service would be extended already has at least one aural service and in some cases several. FTA also disputes 3-D's claim that the additional height available with a class B facility would obviate the present shadowing problems and insists that providing a class B channel to Marion would only lead to a disruption of the competitive equilibrium now existing between area FM stations.

4. Initially, we note that FTA's contention about a possible short spacing is based on the separation between Poplar Bluff, Mo., and Ripley, Tenn. In actuality, the Ripley channel is in use at Brownsville, Tenn. As a result, no problem would develop if any prospective user of the substitute Poplar Bluff channel selected a site at least 3 miles northwest of town. Since this restriction is minimal and satisfactory service to the community could be provided from such a site, we do not consider this an impediment to favorable action on the subject proposal. 3–D's preclusion showing establishes that no new preclusionary effect would occur on any adjacent channel, and as to channel 297 itself, it is usable only in the immediate area of Marion. Even if we do not give full weight to 3–D's assertions about gains in coverage (both 3–D and FTA have provided incomplete data), it is clear that service would be greatly extended. More importantly, in a significant portion of the gain area, the station would be able to provide a second FM service. As to the matter of assigning a class B channel to a community of 11,724 persons, we note that two area communities, Carmi (6,033 persons) and Harrisburg (9,535 persons), already have class B assignments. FTA's concern as licensee of a class B station in Harrisburg operating with only 1.65 kW at 305 ft above average terrain is understandable. It argues against upsetting a competitive equilibrium, but considering the fact that its station has facilities well below the class B, 5-kW minimum, accepting this argument could only thwart the purpose underlying the system of FM allocations. While FTA has been able to continue to operate with this low power because the minimum is applied only prospectively, this is hardly a basis for giving it special protection. There is no suggestion that an increase in coverage for the Marion station would have any negative impact on the public (as distinguished from FTA's private) interest. Absent such a showing, FTA's opposition must be denied.

5. We solicit comments on the proposed substitutions in Marion, Ill., and Poplar Bluff, Mo. In this connection, 3–D should indicate its continuing interest in the proposal, and it and other interested parties are invited to provide useful data on any relevant aspect of the case.

6. *Cutoff procedure.*—The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in this proceeding, and public notice to that effect will be given, as long as filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

7. In view of the foregoing, and pursuant to authority found in sections 4 (i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM table of assignments (§ 73.202(b)) to read as follows:

City	Channel No.	
	Present	Proposed
Marion, Ill.	296A	297
Poplar Bluff, Mo.	297	238

8. *It is ordered*, That the informal opposition filed by First Trust Association is denied.

9. *It is further ordered*, pursuant to section 316 of the Communications Act of 1934, as amended, that 3–D Communications Corp. shall show cause why its license should not be modified to specify operation on channel 297 in lieu of channel 296A.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 14, 1973, and reply comments on or before June 25, 1973. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted May 3, 1973.

Released May 8, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-9597 Filed 5-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Pt. 1056]

[Ex Parte MC-19 (Sub-No. 16)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Use of Credit Card Systems

Order.—At a general session of the Interstate Commerce Commission, held at this office in Washington, D.C., on the 27th day of April 1973.

It appearing, that by petition filed November 9, 1971, Movers' & Warehousemen's Association of America, Inc., sought the institution of a rulemaking proceeding for the purpose of clarifying the Commission's position concerning the use by shippers of their credit card systems in paying the tariff charges of regulated motor common carriers of household goods; that a proceeding was instituted and provision made for the filing of representations by any person or persons supporting or opposing the relief sought; and that representations in support of the petition were filed individually by Bekins Van Lines Co., Philip K. Davies, and North American Van Lines, Inc., and jointly by Alexander Markowitz and Transpayco, and representations in opposition were separately filed by Allied Van Lines, Inc., and Wheaton Van Lines, Inc.;

And it further appearing, that investigation of the matters and things involved in this proceeding having been made, and the Commission, on the date hereof, having made and filed an interim report herein containing its findings of fact and tentative conclusions thereon, which interim report is hereby made a part hereof:

It is ordered, That additional written statements of facts, views, and arguments respecting the tentative conclusions reached in the said interim report, the rule proposed therein, and any other pertinent matter, are hereby invited to be submitted by any interested person, whether or not such person is already a party to this proceeding, on or before June 25, 1973, and a copy of such statements shall be served upon petitioner and all parties presently on record in the proceeding.

It is further ordered, That a notice of the proposed rule will be published in the FEDERAL REGISTER; that written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours; and that notice to the general public of the matter herein under consideration will be given by depositing a copy of this order in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

And it is further ordered, That the petition in all other respects be, and it is hereby, denied.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

Proposed rules for utilization of credit card plans by motor common carriers of household goods to be added to part 1056 of Chapter X of Title 49 CFR.

§ 1056.____ Credit card plans; quarterly reporting required.

(a) Each motor common carrier of household goods desiring to participate in a credit card plan must obtain prior approval for such plan from the Interstate Commerce Commission by submit-

ting a copy of its agreement with each financial institution participating in the plan. Approval or disapproval will be made informally by the Commission in the form of a letter indicating informal consent for or disapproval of the plan.

(b) Each motor common carrier of household goods participating an an approved credit card plan shall file with the Commission quarterly reports showing (1) by bill of lading number and date each shipment transported for which a credit card was utilized by the shipper for the payment of all or a portion of the total charges, (2) the total charges for each such shipment, (3) the amount paid by carrier for credit checks and collection service on each shipment, (4) the points from and to which each such shipment moved, (5) the credit card system utilized (and the financial institution controlling the said system) for each such shipment, and (6) the quarterly totals for items (1), (2), and (3).

(118 M.C.C.)

[FR Doc.73-9602 Filed 5-14-73;8:45 am]

[49 CFR Ch. X]

[Ex Parte No. MC-87]

PASSENGER BROKERS

Interpretation of Operating Authorities

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2d day of May 1973. It appearing, that in No. MC-C-6759, *Trails West, Inc.* v. *Continental Trailways, Inc.*, 115 M.C.C. 269 (1972), Appellate Division 1 concluded that in order effectively to execute a tour contract the passenger broker must sell and arrange for transportation only at the point which it is authorized to serve and the parties must mutually sign the contract at that point;

It further appearing, that many passenger brokers may have significantly developed their operations upon the premise that contracts need only be approved at an authorized point of service; and that now to require existing passenger brokers to adjust their operations to the standards enunciated by Appellate Division 1 in No. MC-C-6759, may have a substantial damaging impact on the operations of such brokers;

It further appearing, that for the reasons noted in the preceding paragraph, it would be in the public interest to institute a rulemaking proceeding (1) to explore the lawfulness of the conclusions reached in the report of Appellate Division 1 in No. MC-C-6759, and all alternatives thereto and consequences thereof; (2) to determine the effects such conclusions would have upon the operations of passenger brokers and all proper means of alleviating any such effects as may be found not to be in the public interest; and good cause appearing therefor:

It is ordered, That, based on the foregoing explanation, a general investigation and rulemaking proceeding be, and it is hereby, instituted under the authority of part II of the Interstate Commerce Act, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to develop information concerning (1) the lawfulness of conclusions reached by Appellate Division 1 in *Trails West, Inc.* v. *Continental Trailways, Inc., supra*, and all alternatives thereto and consequences thereof; (2) the effects such conclusions would have upon the operations of passenger brokers and all proper means of alleviating any such effects as may be found not to be in the public interest; (3) the formulation of any legislation that may be needed in the public interest; and (4) the taking of such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all licensed passenger brokers operating in interstate or foreign commerce within the United States be, and they are hereby, made parties to this proceeding.

It is further ordered, That the Department of Transportation and the President's Office of Consumer Affairs be, and they are hereby, requested to become parties to this proceeding and to present such information during the course of this proceeding as may be useful in aiding this Commission to resolve the abovementioned issues.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that parties or any interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person, including the parties named above, intending to participate in the formal pleadings stage in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before June 1, 1973, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed, and that initial statements and reply statements must be filed on or before July 30, 1973, and August 29, 1973, respectively.

And it is further ordered, That a copy of this order be served upon all the parties; that written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public insepection; and that a copy be delivered to the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9603 Filed 5-14-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Pt. 1612]

INTERNAL ORGANIZATIONAL DUTIES IN CONNECTION WITH REGISTRATION

Proposed Revocations

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.), and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service regulations constituting a portion of chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

The proposals would revoke regulations prescribing the internal organizational duties in connection with registration.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and mail them to the Director, Selective Service System, Attn: LLD, 1724 F Street NW., Washington, D.C. 20435. Comments received on or before June 14, 1973, will be considered.

The proposed amendments follow.

Section 1612.11 Responsibility of State Director of Selective Service, is revoked.

Section 1612.21 Duties of chairman of local board, is revoked.

Section 1612.22 Establishing and making ready places of registration, is revoked.

Section 1612.23 Registrars, is revoked.

Section 1612.24 Interpreters, is revoked.

BYRON V. PEPITONE,
Director.

MAY 10, 1973.

[FR Doc.73-9567 Filed 5-14-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE SECOND NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Second National Bank Region will be held at 8:30 a.m. on May 25–26, 1973, at Seaview Country Club, Absecon, N.J.

The purpose of this meeting is to assist the regional administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Second National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the act (Public Law 92–463) relating to open meetings and public participation therein.

Dated May 9, 1973.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.73–9598 Filed 5–14–73;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE EIGHTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Eighth National Bank Region will be held at 9 a.m. on June 1, 1973 at the Broadwater Beach Hotel, Biloxi, Miss.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agencies officials of current conditions and problems banks are experiencing in the eighth national bank region.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the act (Public Law 92–463) relating to open meetings and public participation herein.

Dated May 9, 1973.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.73–9599 Filed 5–14–73;8:45 am]

Office of the Secretary

[O: A: T 64.3 DLW]

CERAMIC GLAZED WALL TILE FROM THE PHILIPPINES

Determination of Sales at Less than Fair Value

Information was received on June 28, 1972, that ceramic glazed wall tile from the Philippines was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice of the Act).

A withholding of appraisement notice issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of February 14, 1973 (38 FR 4420).

I hereby determine that, for the reasons stated below, ceramic glazed wall tile from the Philippines is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based.—The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of the f.o.b. Manila price for exportation to the United States, with deductions for the included inland freight, brokerage charges, and applicable discounts. Additions were made for sales taxes and import duties rebated or not collected by reason of exportation to the United States.

Home market price was calculated on the basis of the ex-works or f.o.b. Manila price, with a deduction for inland freight. Adjustments were made for differences in bank charges, advertising, and packing.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

[FR Doc.73–9710 Filed 5–14–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. I–4467]

IDAHO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MAY 7, 1973.

Notice of an application Serial No. I–4467 for withdrawal and reservation of lands was published as FR Doc. 71–14612 on page 19446 of the issue for October 6, 1971. The applicant agency has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR 2091.2–5(b), such lands will be at 10 a.m. on June 26, 1973, relieved of the segregative effect of the above mentioned application.

The lands involved in the notice of termination are:

BOISE MERIDIAN, IDAHO

STANLEY LAKE LAGOON

T. 11 N., R. 12 E.,
Sec. 27, W½NW¼NE¼, E½NE¼NW¼.

The area described aggregates 40 acres.

The above described lands are withdrawn for the Sawtooth National Recreation Area by Public Law 92–400, dated August 22, 1972.

VINCENT S. STROBEL,
Chief, Branch of Land and Management Operations.

[FR Doc.73–9550 Filed 5–14–73;8:45 am]

IDAHO

Redelegation of Authority

Pursuant to the authority contained in § 1.1(a) of BLM Order No. 701, dated July 23, 1964, as amended, I hereby authorize the district managers, State of Idaho, to perform the functions which are delegated to me in § 1.5(a) of the above cited order. The authority delegated may not be redelegated.

The redelegation of authority dated July 13, 1962 and published July 19, 1962, on page 6850 in the FEDERAL REGISTER is hereby rescinded.

The above delegation shall become effective June 1, 1973.

CLAIR M. WHITLOCK,
Acting State Director.

Approved May 9, 1973.

GEORGE L. TURCOTT,
Associate Director,
Bureau of Land Management.

[FR Doc.73-9551 Filed 5-14-73;8:45 am]

Office of the Secretary

[Int FES 73-23]

CARLSBAD CAVERNS NATIONAL PARK, N. MEX.; PROPOSED WILDERNESS CLASSIFICATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Carlsbad Caverns National Park, N. Mex.

The final environmental statement considers the designation of 30,210 acres of Carlsbad Caverns National Park as wilderness and 320 acres be designated as potential wilderness addition.

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

Southwest Regional Office, National Park Service, Old Santa Fe Trail, P.O. Box 728, Santa Fe, N. Mex. 87501.
Carlsbad Caverns National Park, P.O. Box 1598, Carlsbad, N. Mex. 88220.

Dated May 8, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-9554 Filed 5-14-73;8:45 am]

[Int FES 73-25]

GRAND TETON NATIONAL PARK, WYO.; PROPOSED WILDERNESS CLASSIFICATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Grand Teton National Park, Wyo.

The final environmental statement considers the designation of 115,807 acres of Grand Teton National Park as wilderness.

Copies are available for inspection or from the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
Grand Teton National Park, P.O. Box 67, Moose, Wyo. 83012.

Dated May 8, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-9555 Filed 5-14-73;8:45 am]

[Int FES 73-24]

YELLOWSTONE NATIONAL PARK, WYO.; PROPOSED WILDERNESS CLASSIFICATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Yellowstone National Park, Wyo.

The final environmental statement considers the designation of 2,016,181 acres of Yellowstone National Park as wilderness.

Copies are available for inspection or from the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
Yellowstone National Park, Yellowstone National Park, Wyo. 82190.

Dated May 8, 1973.

LAURENCE E. LYNN, Jr.,
Assistant Secretary of the Interior.

[FR Doc.73-9556 Filed 5-14-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice 72]

TOBACCO, TYPE 11b—NORTH CAROLINA

Extension of Closing Date for Filing Applications for 1973 Crop Year

Pursuant to the authority contained in § 401.103 of title 7 of the Code of Federal Regulations, the time for filing applications for tobacco crop insurance for the 1973 crop year on Type 11b tobacco in all counties in North Carolina where such insurance is otherwise authorized to be offered is hereby extended until the close of business on May 25, 1973. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

[SEAL] D. W. MCELWRATH,
Acting Manager,
Federal Crop Insurance Corporation.

[FR Doc.73-9564 Filed 5-14-73;8:45 am]

Forest Service

CALIFORNIA ADVISORY COMMITTEE

Notice of Meeting

The California advisory committee to the U.S. Forest Service will hold a field meeting on May 30, 31, and June 1, 1973, on the Los Padres Forest and vicinity.

The group will assemble at Oxnard-Ventura Airport at 11 a.m. on May 30. Travel will be by bus and sedans over forest roads in the vicinity of Ojai, Santa Barbara, and the Santa Ynez Valley. Discussions will consider fuel management and fire protection programs, land use planning, and land ownership adjustment, and watershed and recreation in the Santa Ynez area. The meeting will conclude at an 8 a.m.–11:30 a.m., conference at the Pepper Tree Motel, Santa Barbara, Calif., on June 1.

Public participation is invited, and written statements are welcome, before or after the meeting, by contacting Forest Supervisor, Los Padres National Forest, 42 Aero Camino, Goleta, Calif. 93017—telephone 805-968-1568. Oral statements may be allowed, subject to advance approval by the chairman and within time limits.

DOUGLAS R. LEISZ,
Regional Forester.

MARCH 7, 1973.

[FR Doc.73-9553 Filed 5-14-73;8:45 am]

BLUE RANGE PRIMITIVE AREA; MINERAL EXPLORATION PROPOSAL

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement of a mineral exploration proposal in the Blue Range primitive area, Apache National Forest, USDA–FS–FES(Adm.)73-35.

The environmental statement considers probable environmental effects or impacts of a proposal for mineral exploration in the Blue Range primitive area.

The final environmental statement was filed with CEQ on May 9, 1973.

Copies are available for inspection during regular working hours at the following locations.

USDA, Forest Service, South Agriculture Bldg., Room 3230, 14th Street & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, Southwestern Region, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Apache National Forest,
Box 640,
Springerville, Ariz. 85938.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151; and Colorado Plateau Environmental Advisory Council, P.O. Box 1389, Flagstaff, Ariz. 86001. Please refer to the name and number of the environmental statement above when ordering.

A limited number of single copies are available upon request to William D. Hurst, regional forester, southwestern region, U.S. Forest Service, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 9, 1973.

[FR Doc.73-9615 Filed 5-14-73;8:45 am]

PINYON-JUNIPER CHAINING PROGRAM, UTAH

Availability of Draft Environmental Statement

Pursuant to section (102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of

Agriculture, has prepared a draft environmental statement for chaining pinyon-juniper on National Forest lands in the State of Utah. Report number USDA–FS–DES(Adm.) 73–63.

The environmental statement applies to National Forest land administered by the intermountain region, Forest Service, USDA in Utah. It covers the practice of chaining over pinyon-juniper trees each year on approximately 6,000 acres of land covered by dense stands and/or spreading stands of pinyon-juniper trees.

This draft environmental statement was filed with CEQ April 26, 1973.

Copies are available for inspection during working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., room 3230, 12th St. & Independence Ave. SW., Washington, D.C. 20250.
USDA, Forest Service, 437 East Main Street, Vernal, Utah 84078.
USDA, Forest Service, Federal Bldg., room 5002, 324 25th Street, Ogden, Utah 84401.
USDA, Forest Service, 350 East Main Street, Price, Utah 84501.
USDA, Forest Service, 500 South Main Street, Cedar City, Utah 84720.
USDA, Forest Service, 1525 Addison Avenue East, Twin Falls, Idaho 83301.
USDA, Forest Service, 4438 Federal Building, 125 South State, Salt Lake City, Utah 84111.
USDA, Forest Service, P.O. Box 1428, Provo, Utah 84601.
USDA, Forest Service, 170 North Main, Richfield, Utah 84701.

A limited number of single copies are available upon request to Vern Hemre, regional forester, USDA, Forest Service, Federal Building, 324 25th Street, Ogden, Utah 84401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to name and number of the statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and request for additional information should be addressed to Vern Hamre, regional forester, Federal Building, 324 25th Street, Ogden, Utah 84401. Comments must be received by May 26, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 8, 1973.

[FR Doc.73-9614 Filed 5-14-73;8:45 am]

POPO AGIE PRIMITIVE AREA, WYO.

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Management Proposals for the Popo Agie Primitive Area and contiguous lands of the Southern Wind River Mountain Range, Shoshone National Forest, Wyo., USDA–FS–DES (Leg.) 73–64.

The environmental statement concerns a proposal that the Popo Agie Primitive Area and certain contiguous lands of the Shoshone National Forest in Fremont and Sublette Counties, Wyo., be designated as wilderness and added as a unit of the National Wilderness Preservation System.

The draft environmental statement was filed with CEQ on May 9, 1973. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. 20250.
USDA, Forest Service, Rocky Mountain Region, Denver Federal Center, Building 85, Denver, Colo. 80255.

A limited number of single copies are available upon request to Chief John R. McGuire, Forest Service, South Agriculture Building, Washington, D.C. 20250.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to John R. McGuire, Chief, Forest Service, Washington, D.C. 20250.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

MAY 9, 1973.

[FR Doc.73-9616 Filed 5-14-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Organization and Function Order No. 42-1]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT

Organization and Functions

This order effective April 20, 1973 supersedes the material appearing at 38 FR 9318 of April 13, 1973.

SECTION 1. *Purpose.*

This order delegates authority to the Deputy Assistant Secretary for Administrative Management, and prescribes the organization and functions of the directorate.

SEC. 2. *Delegation of Authority.*

.01 Subject to such policies, directives, and delegations of authority as may be issued by the Secretary of Commerce and by the Assistant Secretary for Domestic and International Business, and in accordance with applicable department organization orders and department administrative orders, the Deputy Assistant Secretary for Administrative Management is hereby authorized to conduct all administrative management activities and serve as the administrative officer for all operating units in the Domestic and International Business Administration.

.02 The Deputy Assistant Secretary for Administrative Management is also delegated the authorities of the assistant secretary as applicable to performing the functions assigned in section 4.

.03 The Deputy Assistant Secretary for Administrative Management may redelegate authorities to any employee of the Directorate of Administrative Management subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and Line of Authority.*

.01 The Directorate of Administrative Management shall be headed by the Deputy Assistant Secretary for Administrative Management who shall also be the Director and who shall report and be responsible to the assistant secretary, DIB. The deputy assistant secretary shall be assisted by a deputy director who shall perform the functions of the deputy assistant secretary in the latter's absence.

.02 The Directorate of Administrative Management shall consist of the following principal organizational elements:

Office of Personnel
Office of Management and Systems
Office of Administrative Services
Office of Budget

SEC. 4. *Functions.*

.01 The Deputy Assistant Secretary for Administrative Management shall be the principal assistant and advisor to the Assistant Secretary for Domestic and In-

ternational Business on administrative management matters.

.02 Directorate of Administrative Management for the Domestic and International Business Administration organization units, shall:

a. Provide liaison with departmental offices reporting to the Assistant Secretary for Administration;

b. Review and coordinate budget requirements and prepare and control fiscal plans and programs;

c. Administer the personnel management program;

d. Provide direction and coordination of organization and management activities;

e. Provide travel services;

f. Provide protocol services;

g. Develop and maintain a DIBA management information system; and

h. Provide other administrative services not specifically provided by the departmental offices under the Assistant Secretary for Administration by agreement between the Assistant Secretary for Domestic and International Business and the Assistant Secretary for Administration.

SEC. 5. *Effect on other orders.*

This order supersedes DIBA organization and function order 42–1 of November 17, 1972.

LAWRENCE A. FOX,
Acting Assistant Secretary for Domestic and International Business.

[FR Doc.73-9588 Filed 5-14-73;8:45 am]

National Bureau of Standards

CRYPTOGRAPHIC ALGORITHMS FOR PROTECTION OF COMPUTER DATA DURING TRANSMISSION AND DORMANT STORAGE

Solicitation of Proposals

The National Bureau of Standards under Department of Commerce authorities and responsibilities for fostering, promoting, and developing U.S. trade and commerce, and based on the National Bureau of Standards responsibility for the custody, maintenance, and development of the National standards of measurement, and the provision of means and methods for making measurements consistent with those standards, solicits proposals for algorithms for the encryption of computer data to ensure their protection during transmission over exposed communications facilities or while recorded on media and in transport or in storage. It is the intent of NBS to collect the submitted algorithms, select those suitable for commercial and nondefense government use and to publish guidelines relative to employing encryption.

Over the last decade, there has been an accelerating increase in the accumulations and communication of digital data by government, industry and by other organizations in the private sector. The contents of these communicated and stored data often have very significant value and/or sensitivity. It is now common to find data transmissions which constitute funds transfers of several million dollars, purchase or sale of securities, warrants for arrests or arrest and conviction records being communicated between law enforcement agencies, airline reservations and ticketing representing investment and value both to the airline and passengers, and health and patient care records transmitted among physicians and treatment centers.

The increasing volume, value and confidentiality of these records regularly transmitted and stored by commercial and government agenices has led to heightened recognition and concern over their exposure to unauthorized access and use. This misuse can be in the form of theft or defalcations of data records representing money, malicious modification of business inventories or the interception and misuse of confidential information about people. The need for protection is then apparent and urgent.

It is recognized that encryption (otherwise known as scrambling, enciphering or privacy transformation) represents the only means of protecting such data during transmission and a useful means of protecting the content of data stored on various media, providing encryption of adequate strength can be devised and validated and is inherently integrable into system architecture. The National Bureau of Standards solicits proposed techniques and algorithms for computer data encryption. The Bureau also solicits recommended techniques for implementing the cryptographic function; for generating, evaluating and protecting cryptographic keys; for changing and transporting or communicating keys; for maintaining files encoded under expiring keys; for making partial updates to encrypted files; and mixed clear and encrypted data to permit labeling, polling, routing, etc. The Bureau in its role for establishing standards and aiding government and industry in assessing technology, will arrange for the evaluation of protection methods in order to prepare guidelines.

Responses to this notice should be submitted on or before July 16, 1973. Responses should be submitted to the Director, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

Dated May 10, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc. 73-9705 Filed 5-14-73;8:45 am]

Office of Import Programs

BROWN UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73–00348–33–46500. Applicant: Brown University, Brown and Waterman Street, Providence, R.I. 02912. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in experiments aimed at defining the neural connections between the dorsal thalamus and the neocortex in several species of vertebrates, primarily the opossum. Investigations of synaptic relations in the lamphrey spinal cord at the electron microscopic level will also be carried out. Application received by Commissioner of Customs: January 23, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 19, 1973.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness, etc.), the properties of the embedding media and the geometry of the block. In connection with prior case (docket No. 69–00665–33–46500) which relates to the duty-free entry of an identical foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior case (docket No. 70–00077–33–46500) relating to the duty-free entry of an identical foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness, etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.1 to 20 mm/s. The most closely comparable domestic instrument is the model MT–2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall model MT–2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/s. We are advised by HEW in its memorandum of

April 19, 1973, that cutting speeds in the excess of 4 mm/s are pertinent to the applicant's research studies.

We therefore, find that the model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9575 Filed 5-14-73;8:45 am]

COLUMBIA UNIVERSITY, COLLEGE OF PHYSICIANS AND SURGEONS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00281-33-86500. Applicant: Columbia University, College of Physicians and Surgeons, 630 West 168th Street, New York, N.Y. 10032. Article: Weissenberg Rheogoniometer, R.18. Manufacturer: Sangamo Controls Ltd., United Kingdom. Intended use of article: The article is intended to be used to study blood rheology under dynamic flow conditions. The experiments to be conducted will include shear stress measurements on normal blood and pathological blood under a variety of flow conditions. The article will also be used in the course physiology G9051-2 (research in physiology) to teach graduate students modern techniques in physiological research and to demonstrate the biophysical principles of blood flow. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a sensitivity of 5 dyne-centimeters. The most closely comparable domestic instrument, the Rheometrics mechanical spectrometer, manufactured by Rheometrics Inc. provides a sensitivity of approximately 200,000 dyne-centimeters. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 19, 1973, that the best sensitivity available is pertinent to the applicant's intended use in dynamic shear stress measurement of normal blood and analysis of abnormalities in blood rheology in disease. We, therefore, find that the Rheometrics mechanical spectrometer is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9577 Filed 5-14-73;8:45 am]

CRYBIOLOGY RESEARCH INSTITUTE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Accessories for Foreign Instruments

The following is a consolidated decision on applications for duty-free entry of accessories for foreign instruments pursuant to section 6(c) of the Educational Scientific and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00344-00-46500. Applicant: Crybiology Research Institute, R.F.D. 5, Madison, Wis. 53704. Article: LKB 14800-1 Cryo-Kit. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used with an existing ultramicrotome to carry out the following studies:

(a) The effects of freezing and subsequent thermal treatments on the structure, gross and fine, of cells, tissues and model systems,

(b) The cutting properties of the same at different subfreezing temperatures,

(c) The relationship of the conditions required for best sectioning to the survival of the cell where the latter is preserved in the first place by the freezing treatment, and

(d) The sectioning process itself, in the belief that much remains to be done to perfect the cutting of ultratin frozen sections.

Application received by commissioner of Customs January 23, 1973. Advice submitted by Department of Health, Education, and Welfare on April 19, 1973.

Docket number: 73-00349-00-46040. Applicant: U.S. Department of Commerce, National Bureau of Standards, Washington, D.C. 20234. Article: Side-Entry-Goniometer and interchangeable specimen holders for JEM 200 electron microscope. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are ancillary parts and accessories to an electron microscope ordered from the same manufacturer which is to be used to examine various inorganic materials in connection with research programs on metals, metal-carbides, crystalline ceramics, glasses, and polymers. Studies will include: plastic deformation of super plastic Al-base alloys; equilibrium dislocation configurations and stacking fault energies in Ag-Sn and Au-Sn alloys; nucleation and growth of Bi-Sn alloy single crystals; stress corrosion phenomena in Cu- and Fe-base alloys; wear of sintered metal-carbide (-WC and TiC) tool materials, Al_2O_3, SiC, and Si_3N_4; plastic deformation and fracture of Al_2O_3, SiC, and Si_3N_4. Application received by Commissioner of Customs January 16, 1973. Advice submitted by Department of Health, Education, and Welfare on April 19, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. Reasons: The applications relate to compatible accessories for instruments that have been previously imported for the use of the applicant institutions. The articles are being manufactured by the manufacturers which produced the instruments with which they are intended to be used. We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda that the accessories are pertinent to the applicants' intended uses and that it knows of no comparable domestic articles.

The Department of Commerce knows of no similar accessories manufactured in the United States which are interchangeable with or can be readily adapted to the instruments with which the foreign articles are intended to be used.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9576 Filed 5-14-73;8:45 am]

DUKE UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket number: 73-00345-33-46040. Applicant: Duke University Medical School, Department of Anatomy, P.O. Box 3011, Durham, N.C. 27710. Article: Electron microscope model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in studies of isolated protein molecules, crystalline bovine serum albumin, isolated components of cell membranes and membrane fractions, subunit structure of several crystalline protein molecules, and metallic replicas of membrane fragments. Application received by Commissioner of Customs January 16, 1973.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the model EMU-4C electron microscope manufactured by the Forgflo Corp. The model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated April 19, 1973, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9578 Filed 5-14-73; 8:45 am]

JEFFERSON MEDICAL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00340-33-43780. Applicant: Jefferson Medical College, Thomas Jefferson University Hospital, Research & Cein. Rad. Ther. Center, 1025 Walnut Street, Philadelphia, Pa. 19107. Article: 45 MeV betatron. Manufacturer: Brown-Boveri, Switzerland. Intended use of article: The article is intended to be used for research, educational purposes and clinical patient care. Research involves the following projects:

(1) Determination of the physical characteristics of such a high energy electron beam.

(2) Investigation of modifications of the beam caused by inhomogenity interfaces in the body.

(3) Development of computer programs for use in radiation dosimetry of electron beam.

(4) Studies into variations of relative biological effectiveness in depth in a high energy electron beam.

(5) Randomized clinical trails testing the effectiveness of electrons as compared with X-rays in the treatment of cancer patients.

The article will also be used for teaching the principles of electron beam therapy to both undergraduate and graduate students of Jefferson Medical College, Philadelphia, Pa. In addition the article will be used in treatment of some cancer patients. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 19, 1973, that the high energy of the beam provided by the foreign article is pertinent to the applicant's research directed toward more effective cancer control measures. The foreign article provides beam energies to 45 MeV. HEW further advises that it knows of no domestic medical betatrons which provide beam energies exceeding 25 MeV.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9579 Filed 5-14-73; 8:45 am]

OBERLIN COLLEGE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 73-00342-33-46040. Applicant: Oberlin College, Department of Biology, Kettering Hall of Science, Oberlin, Ohio 44074. Article: Electron Microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for the study of cells of teleost embryos in very early stages of development and a variety of biological materials. These include: Cells from physiologically active organs of various members of Bromeliaceae, root nodules of Rhizobium—legume symbionts, developing algal cell walls, chromatophores of lower vertebrates, neurons from brains of particular mouse mutants. The article will be used to observe ultrastructural morphology of the above cells and tissues. The article will also be used for teaching in the following biology courses:

Cells and tissues, introduction to cell biology, biology of vascular plants, biology of nonvascular plants, microbiology, and plant physiology.

Application received by Commissioner of Customs, January 23, 1973. Advice submitted by Department of Health, Education, and Welfare on April 19, 1973.

Docket number: 73-00343-33-46040. Applicant: State University of New York, College at Plattsburgh, Plattsburgh, N.Y. 12901. Article: Electron Microscope, model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for undergraduate and graduate instruction in the course cell biology (Bio-401). Specimens will be prepared and used in the following demonstrations:

I. Cellular organelles and components;

II. Localization of activities of various enzymes;

III. Uptake and transport of macromolecules;

IV. a) Morphology of chromosomes in sections, b) structure of DNA in a monomolecular film layer by using Kleinschmidt's method shadow casting, c) chromatin differentiation during spermatogenesis;

V. Identification of macromolecules; and

VI. Autoradiography at EM level.

In addition the article will be used in courses:

Plant physiology, microbiology, microbial physiology, genetics, biophysics, laboratory techniques in biology, botany, and invertebrate anatomy and parasitology.

Application received by Commissioner of Customs, January 23, 1973. Advice submitted by Department of Health, Education, and Welfare on: April 19, 1973. Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each applicant requires

an electron microscope which is suitable for instruction in the basic principles of electron microscopy. Each of the foreign articles to which the foregoing applications relate is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the model EMU-4C electron microscope which is a relatively complex instrument designed primarily for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its respectively cited memoranda, that the relative simplicity of design and ease of operation of the foreign articles described above are pertinent to the applicants' educational purposes. We, therefore, find that the Forgflo Model EMU-4C electron microscope is not of equivalent scientific value to any of the foreign articles described above for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9580 Filed 5-14-73;8:45 am]

PENNSYLVANIA STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00346-01-10100. Applicant: The Pennsylvania State University, University Park, Pa. 16802. Article: HF-Reaction Apparatus Type I. Manufacturer: Toho Kasei, Japan. Intended use of article: The article is intended to be used for the safe handling of anhydrous hydrogen fluoride gas for the treatment of synthetic, biologically active polypeptides.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is fashioned from Poly-trifluoromonochloroethylene which resists corrosive substances such as hydrogen fluoride gas. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 19, 1973, that the use of the article in the experimental treatment of synthetic, biologically active polypeptides with hydrogen fluoride gas requires the pertinent design and construction of the article for adequate control and safety. HEW also advised that it knows of no domestic instrument or apparatus of equivalent scientific value to the article for such purposes as the article is intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9581 Filed 5-14-73;8:45 am]

TEMPLE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00045-33-77030. Applicant: Temple University Health Sciences Center, Philadelphia, Pa. 19140. Article: NRM Spectrometer, JNM-MH-60-II. Manufacturer: JEOL, Ltd., Japan. Intended use of article: The article is intended to be used in determining nuclear magnetic resonance (proton) spectra of drugs, potential drugs, drug metabolites, and other organic chemicals, particularly those of biological interest. The experiments conducted will assist in the discovery of new therapeutically active materials through determination of the structure of materials arising from synthetic studies and increase the understanding of the mode of action of drugs by elucidation of their structural stereochemical and conformation properties, their interactions with macromolecules, and their metabolic pathways. The article will also be used to teach the theory and practice of NMR spectroscopy and a course entitled "spectroscopy" NMR and mass."

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a relatively simple 60 MHz (megahertz) proton nuclear magnetic resonance spectrometer (NMR) to be used as a tool in teaching the theory and practice of those aspects of NMR spectroscopy which are most relevant to organic and pharmaceutical chemistry. The article provides both internal and external locking capabilities. Although domestically manufactured NMR's in Varian Associates' (Varian's) highly sophisticated multinuclear XL series, the model XL-100 and modifications thereof, provides internal and external locking in the same instrument, the Department of Health, Education, and Welfare (HEW) advised in its memorandum dated December 12, 1972, that the most closely comparable domestic instruments are the models T-60, and A-60-D manufactured by Varian. HEW also advised that the XL-100 is too sophisticated to meet the applicant's instructional needs. The models T-60, HA-60, and A-60-D provide an internal lock or an external lock but not both in the same instrument. HEW also advised in the memorandum cited above that the internal and external lock combination of the article is pertinent to the purposes for which the article is intended to be used.

For these reasons, we find that the models T-60, HA-60, and A-60-D are not of equivalent scientific value to the article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director
Office of Import Programs.

[FR Doc.73-9584 Filed 5-14-73;8:45 am]

THIEL COLLEGE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00046-01-77030. Applicant: Thiel College, Greenville, Pa. 16125. Article: NMR spectrometer, model JNM-MH-60-II. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to obtain proton nuclear magnetic resonance spec-

tra of products of photochlorination reactions of dichlorotoluenes with tertiary-butyl hypochlorite; coordination compounds of chromium with various organic ligands; deuteration and degradation products of the antibiotic citrinin.

Students will be taught how proton nuclear magnetic resonance is used along with other analytical techniques to elucidate the structure of organic compounds and coordination compounds with organic ligands, as well as the mechanisms of their reactions. The article will be used as a teaching tool in all courses except those at the introductory level with primary use in chemistry courses.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article is a relatively simple 60 MHz (megahertz) proton nuclear magnetic resonance spectrometer (NMR) to be used as a tool in teaching chemistry research methods and general chemistry to inexperienced undergraduate students. The article provides both internal and external locking capability. Although domestically manufactured NMR's in Varian Associates' (Varian's) highly sophisticated multinuclear XL series (e.g., the model XL–100) provide internal and external locking, the National Bureau of Standards (NBS) advises in its memorandum dated March 23, 1973, that "the Varian T–60, rather than the XL–100, is the domestic instrument most nearly comparable to the foreign article for evaluation of equivalency." The Model T–60 provides internal lock capability but does not provide an external lock. In addition, NBS advises that the internal and external lock capability of the article is pertinent to the purposes for which the article is intended to be used. NBS also advises that it knows of no comparable domestic instrument that combines in a single instrument all of the pertinent capabilities of the article. For these reasons we find the model T–60 is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9582 Filed 5-14-73;8:45 am]

WILLS EYE HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73–00334–33–46595. Applicant: Wills Eye Hospital, 1601 Spring Garden Street, Philadelphia, Pa. 19130. Article: LKB 11800–2 Pyramitome. Manufacturer: LKB Produkter AB, Sweden.

Intended use of article: The article is intended to be used to trim specimens in studies of human corneas and retinas from various diseases, and malignant ocular tumors. Ocular tissues of glaucoma patients would be studied from trabeculectomy specimens. These specimens will be examined by transmission light and electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an optical matching system with the capability to locate a desired site in a prior thick section and then precisely aline its image upon the remaining block face to guide further appropriate trimming. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated April 19, 1973, that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

B. BLANKENHEIMER,
Acting Director,
Office of Import Programs.

[FR Doc.73-9583 Filed 5-14-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8693]

[Docket No. FDC–D–618; NDA 8–693, etc.]

NITROFURANTOIN AND NITROFURANTOIN SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-Up Notice

In a notice published in the FEDERAL REGISTER of April 10, 1969 (34 FR 6338), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the following drugs:

1. Furadantin Tablets, containing nitrofurantoin; Eaton Laboratories, Norwich Pharmacal Co., 17 Eaton Avenue, Norwich, N.Y. 13815 (NDA 8–693).

2. Furadantin Oral Suspension, containing nitrofurantoin; Eaton Laboratories (NDA 9–175).

3. Nitrofurantoin Tablets, containing nitrofurantoin; Zambon S.p.A., Via Lillo del duca 10, 20091 Bresso, Milan, Italy—American Agent, Gyma Laboratories of America, Inc., 139–58 Queens Boulevard, Jamaica, N.Y. 11435 (NDA 12–435).

4. Furadantin Sodium, Sterile, for Intravenous Use, containing nitrofurantoin sodium; Eaton Laboratories (NDA 12–402).

The notice stated that these drugs were regarded as effective, probably effective, and lacking substantial evidence of effectiveness for their various indications.

No data having been submitted in support of the probably effective indications, those indications are now regarded as lacking substantial evidence of effectiveness. In addition, based upon further review and evaluation of these preparations, the Commissioner of Food and Drugs finds it appropriate to amend the labeling published April 10, 1969, by restating the effective indications and by revising the contraindications, precautions, and adverse reactions sections.

Accordingly, with respect to these products, the revised effectiveness classification and marketing status are as follows:

A. *Effectiveness classification.*—The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that the drugs are effective for the indications described in the labeling conditions below and lack substantial evidence of effectiveness for all other indications.

B. *Conditions for approval and marketing.*—The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under the conditions described herein.

1. *Form of drug.*—Preparations of nitrofurantoin are in tablet or suspension form suitable for oral use; and preparations of nitrofurantoin sodium are in sterile crystalline form suitable for reconstitution and subsequent intravenous administration, containing per dosage unit, an amount suitable for administration in the dosage ranges described in the labeling conditions below.

2. *Labeling conditions.*—a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription".

b. The drug is labeled to comply with all requirements of the Federal Food, Drug, and Cosmetic Act and the regulations promulgated thereunder, and those parts of the labeling indicated below are substantially as follows: (Optional ad-

ditional information, applicable to the drug, may be proposed under other appropriate paragraph headings and should follow the information set forth below.)

NITROFURANTOIN

DESCRIPTION

(Descriptive information to be included by the manufacturer or distributor should be confined to an appropriate description of the physical and chemical properties of the drug and the formulation.)

ACTIONS

Nitrofurantoin is an antibacterial agent for specific urinary tract infections. It is bacteriostatic in low concentrations (1:100,000 to 1:200,000) and in vitro is considered to be bactericidal in higher concentrations. Its presumed mode of action is based upon its interference with several bacterial enzyme systems. Nitrofurantoin is rapidly excreted in the urine. It is highly soluble in urine to which it may impart a brown color.

INDICATIONS

Nitrofurantoin is indicated for the treatment of pyelonephritis, pyelitis, and cystitis when due to susceptible *E. coli*, enterococci, *S. aureus* (not indicated for the treatment of associated renal cortical or perinephric abscesses), and certain strains of *Klebsiella, Aerobacter Proteus*, and *Pseudomonas*.

CONTRAINDICATIONS

Anuria, oliguria, or significant impairment of renal function are contraindications to therapy with this drug. Treatment of this type of patient carries an increased risk of toxicity because of impaired excretion of the drug. For the same reason, this drug is much less effective under these circumstances.

The drug is contraindicated in pregnant patients at term as well as infants under 3 months of age because of the possibility of hemolytic anemia due to immature enzyme systems (glutathione instability).

The drug is contraindicated in those patients with known hypersensitivity to nitrofurantoin.

WARNINGS

Cases of hemolytic anemia of the primaquine sensitivity type have been induced by nitrofurantoin. The hemolysis appears to be linked to a glucose-6-phosphate dehydrogenase deficiency in the red blood cells of the affected patients. This deficiency is found in 10 percent of Negroes and a small percentage of ethnic groups of Mediterranean and Near-Eastern origin. Any sign of hemolysis is an indication to discontinue the drug.

Pseudomonas is the organism most commonly implicated in superinfections in patients treated with nitrofurantoin.

USAGE IN PREGNANCY: The safety of nitrofurantoin during pregnancy and lactation has not been established. It should not be used in women of childbearing potential unless the expected benefits outweigh the possible hazards.

PRECAUTIONS

Peripheral neuropathy may occur with nitrofurantoin therapy; this may become severe or irreversible. Fatalities have been reported. Predisposing conditions such as renal impairment, anemia, diabetes, electrolyte imbalance, vitamin B deficiency, and debilitating disease may enhance such occurrence.

Acute, subacute or chronic pulmonary reaction has been observed in patients treated with nitrofurantoin. If these reactions occur, the drug should be withdrawn and appropriate measures should be taken.

Insidious onset of pulmonary reactions (diffuse interstitial pneumonitis, or pulmonary fibrosis, or both) in patients on long-term therapy warrants close monitoring of these patients.

ADVERSE REACTIONS

Gastrointestinal reactions: Anorexia, nausea, emesis are the most frequent reactions; less frequently, abdominal pain and diarrhea; rarely, hepatitis. This dose-related toxicity reaction can be minimized by reduction of dosage, especially in the female patient.

Hypersensitivity reactions: Pulmonary sensitivity reactions, which can be acute, subacute, or chronic.

Acute reaction is commonly manifested by fever, chills, cough, chest pain, dyspnea, pulmonary infiltration with consolidation or pleural effusion on X-ray, and eosinophilia. The acute reactions usually occur within the first week of treatment and resolve with cessation of the drug therapy.

Subacute or chronic pulmonary reaction is associated with prolonged therapy. Insidious onset of malaise, dyspnea on exertion, cough, altered pulmonary function, and roentgenographic and histologic findings of diffuse interstitial pneumonitis or fibrosis or both are common manifestations. Impaired pulmonary function may result even after cessation of the drug therapy.

Dermatologic reactions: Maculopapular, erythematous, or eczematous eruption, pruritus, urticaria, and angioedema.

Other sensitivity reactions: Anaphylaxis, asthmatic attack in patients with history of asthma, cholestatic jaundice, drug fever, and arthralgia.

Hematologic reactions: Hemolytic anemia, granulocytopenia, eosinophilia, and megaloblastic anemia.

Neurological reactions: Peripheral neuropathy, headache, dizziness, nystagmus, and drowsiness.

Miscellaneous reactions: Transient alopecia; superinfections in the genitourinary tract by resistant organisms; tooth staining from direct contact with oral suspension.

DOSAGE AND ADMINISTRATION

DOSAGE—tablets and oral suspension:

Adult: 50–100 mg four times a day.

Children: Should be calculated on the basis of 5–7 mg/kg of body weight per 24 hours to be given in divided doses four times a day (contraindicated under 3 months).

ADMINISTRATION: Nitrofurantoin may be given with food or milk to minimize gastric upset.

The drug should be continued for at least 3 days after sterility of the urine is obtained. Continued infection indicates the need for reevaluation.

If the drug is to be used for long-term suppressive therapy, reduction of dosage should be considered.

NITROFURANTOIN SODIUM

The labeling for nitrofurantoin sodium is the same as described above for nitrofurantoin with the following exceptions:

1. Add the following to the Indications section:

Nitrofurantoin sodium should be used parenterally only in patients with clinically significant urinary tract infections when oral therapy cannot be given and when nitrofurantoin can be shown to be the drug of choice.

2. Omit reference to tooth staining in the Adverse Reactions section.

3. The Dosage and Administration section is as follows:

DOSAGE AND ADMINISTRATION

DOSAGE: Patients weighing over 120 pounds: 180 milligrams of nitrofurantoin in 500 cm³ of diluent twice daily.

Patients weighing less than 120 pounds: 3 mg/kg of body weight per day in two equal doses. Safety has not been established in children under 12 years.

ADMINISTRATION (include instructions for dilution):

The drug should be continued for at least 3 days after sterility of the urine is obtained. Continued infection indicates the need for reevaluation.

3. *Marketing status.*—Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER, July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, an abbreviated supplement for updating information, and, except for the parenteral form, adequate data to show the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1)(i), (ii), and (iii) of the notice of July 14, 1970. Clinical trials which have established effectiveness of the drug may also serve to establish the bioavailability of the drug if such trials were conducted on the currently marketed formulation.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application, to include in the case of oral dosage forms, adequate data to assure the biologic availability of the drug in the formulation which is or is intended to be marketed, as described in paragraph (a)(3) (i) or (ii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the act as described in paragraph (b) of that notice.

C. *Notice of opportunity for a hearing.*—Notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An

order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before June 14, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election on or before June 14, 1973, will constitute an election by him not to avail himself of the opportunity for a hearing.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before June 14, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after June 14, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD–300), 5600 Fishers Lane, Rockville, Md. 20852.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8693, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Requests for the Academy's reports: Drug Efficacy Study Information Control (BD–66), Bureau of Drugs.

Request for hearing (identify with docket number): Hearing Clerk (CC–20), room 6–88, Parklawn Building.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–60), Bureau of Drugs.

Received requests for a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated May 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–9543 Filed 5–14–73;8:45 am]

PRESCRIPTION DRUGS INDICATED FOR COUGH AND ALLERGY

Hearing on Interim Guidelines for Formulation and Labeling

The Food and Drug Administration has been proceeding expeditiously with compliance with the court order entered in the case of *American Public Health Association* v. *Veneman*, 349 F. Supp. 1311 (D.D.C. 1972), published in the FEDERAL REGISTER of December 14, 1972 (37 FR 26623). Pursuant to this order the Commissioner of Food and Drugs published in the FEDERAL REGISTER of February 9, 1973 (38 FR 4005 et seq.) five notices of opportunity for hearing with respect to proposed withdrawal of approval of certain prescription drugs indicated for coughs and allergies. Other prescription drugs for these general indications have been or will be the subject of similar notices, and numerous "me-too" products are directly affected by these notices as published in the FEDERAL REGISTER of October 31, 1972 (37 FR 23185). It is therefore necessary that the Food and Drug Administration establish rules for the proper formulation and labeling of prescription drugs indicated for cough and allergy.

Pursuant to the general procedures for review of the safety, effectiveness, and labeling of all OTC (over-the-counter) drugs published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the Commissioner has appointed a review panel and issued a call for all relevant data for cold, cough, allergy, bronchodilator, and antiasthmatic products, published in the FEDERAL REGISTER of August 9, 1972 (37 FR 16029). This review panel has now met five times, and is considering in detail the proper formulation and labeling of OTC drugs for these uses as well as the dividing line between OTC and prescription products for these uses. It is apparent that the final monograph that emerges from this review process will have a substantial bearing on the formulation and labeling of prescription as well as OTC drugs used for these purposes, and in many respects will determine the related issues. The review panel is not yet in a position to issue a report, and the Commissioner concludes that it would be improper to request the panel to issue an interim report, or for the Food and Drug Administration to rely upon the work of the panel, until a final report has been issued, all administrative procedures exhausted, and a final monograph is published in the FEDERAL REGISTER.

The Bureau of Drugs of the Food and Drug Administration has therefore pre-

pared interim guidelines for use in the formulation and labeling of prescription drugs for cough and allergy purposes, pending the availability of the final OTC drug monograph. Once that monograph is published, the interim guidelines will be reviewed, any appropriate changes will be made, and they will be proposed as regulations in the FEDERAL REGISTER.

The Commissioner has concluded that the public should have an opportunity to review and comment upon the interim guidelines for these products before they are implemented even on a temporary basis. J. Richard Crout, M.D., Director of the Office of Scientific Evaluation, Bureau of Drugs, will conduct a public hearing for this purpose on Monday, June 4, 1973, beginning at 9 a.m. in room 4A-27, 5600 Fishers Lane, Rockville, Md. 20852.

Any interested person who wishes to present oral comments or suggestions at that hearing must so inform Mr. Arthur E. Auer, telephone 301-443-4740, room 16B-06, 5600 Fishers Lane, Rockville, Md. 20852 of that intention by close of business on Monday, May 21, 1973. Mr. Auer will then promptly inform each person requesting an opportunity to be heard the amount of time to be allocated for his presentation. Individuals and organizations with common interests are urged to consolidate or coordinate their presentations in view of the limitations of time. Any interested person may also present written data or comments, which shall be considered. Three of such written presentations should be addressed to Mr. Auer at the above address. The present draft of the interim guidelines is as follows:

GUIDELINES FOR PRESCRIPTION COUGH AND ALLERGY PREPARATIONS

OBJECTIVES

To provide guidelines for the reformulation and relabeling of prescription cough and allergy preparations, such that those preparations may be considered effective for the claimed indications.

To identify those areas of uncertainty, particularly in regard to expectorant claims and to antihistamines, where policies are subject to change as a result of the recommendations of the OTC panel on cough and cold preparations.

REGULATORY PHILOSOPHY

The Food and Drug Administration belives that effective, accurately labeled preparations for the symptomatic relief of common ailments are essential for the health and welfare of the public.

It is also essential that all prescription drug products meet the same standards. If a drug product formerly considered to be less than effective is to be upgraded to effective on the basis of relabeling and/or reformulation, the final product and its labeling must be consistent with:

1. Published DESI FEDERAL REGISTER Announcements.

2. The historical data base (including application on hand, literature, texts, etc.).

3. The prescription drug combination policy (SPI 3.86).

4. Recommendations of the OTC panels and advisory committees.

SPECIAL CONSIDERATIONS

A factor which must be considered in providing guidelines at the present time is that the OTC panel on cough and cold preparations has not completed its deliberations, and its report is not anticipated for several months. The general principle to be followed by the FDA is that ingredients judged as effective for prescription use shall be consistent with those judged as effective for OTC use. It is therefore possible that the effectiveness classification of certain ingredients in these guidelines will be changed in the future as a result of the OTC review. This statement applies in particular to expectorants, all of which are considered as of uncertain effectiveness at the present time. A final judgment on the effectiveness of these ingredients will not be made until the OTC panel has submitted its report.

Although a diligent search has been made to identify all single ingredients in currently marketed cough and allergy preparations, it is possible that some have been overlooked. Such ingredients will be considered on request to the Division of Cardiopulmonary-Renal Drug Products.

APPROACH

These guidelines were developed in the following manner:

1. The single ingredients in marketed cough and allergy preparations were identified and classified on a generic basis as active ingredients or excipients.

2. Active ingredients were further classified on the basis of pharmacological action as antitussive, expectorant, decongestant, or antihistamine.

3. Their individual effectiveness for the stated indications was then determined, using standard textbooks, the NAS/NRC reports, and material in any NDA's on file with the FDA.

4. Appropriate combinations for the stated indications were then identified, in accordance with the FDA combination policy (21 CFR 3.86).

I. *Preparations for the symptomatic relief of cough.*—A. A cough preparation will be considered approvable if it contains one of the following antitussive ingredients (as the only active ingredient) in doses considered effective, and if the preparation is labeled for "symptomatic relief of cough.":

1. Codeine phosphate—USP.
   Codeine sulfate—NF.
   Dosage: 10–20 mg/3–4 times per day.
   Infants: 1–1½ mg/kg 24 h; 35–50 mg/m²/24 h in 6 doses.
2. Hydrocodone bitartrate—USP; dihydrocodeine (dihydrocodeinone bitartrate).
   Dosage: 5–10 mg/3–4 times per day.
   Infants: 0.6 mg/kg/24 h; 20 mg/m²/24 h in 4 doses.
3. Pholcodine—BP.
   Dosage: 10–15 mg/3–4 times per day.
   Children: Up to 4 mg/dose.
4. Dextromethorphan hydrobromide—NF, BP.
   Dosage: 15–30 mg/1–4 times per day.
   Children: 1 mg/kg/24 h; 30 mg/m²/24 h in 3–4 doses.
5. Noscapine—USP, BP.
   Dosage: 10–30 mg/3–4 times per day.
6. Levopropoxyphene napsylate—NF.
   Dosage: 500–100 mg/q 4 h.
   Children 6 mg/kg/24 h; 250 mg/m²/24 h in 3–6 doses.

B. A cough preparation containing one of the above active ingredients may also contain expectorants providing the currently marketed preparation contains expectorants and these expectorants appear on the following list:

1. Ammonium salts.
2. Guaiacols.
3. Iodides.
4. Ipecac (syrup).
5. Volatile oils.
(a) Balsam tolu calcium.
(b) Camphor.
(c) Citric acid.
(d) Menthol.
(e) Terpin hydrate.
(f) White pine extract.
(g) Wild cherry bark extract.

C. Prescription cough preparations may not contain any of the following expectorant ingredients, which are considered as lacking in either safety or effectiveness or both:

1. Aconite.
2. Calcium lacto phosphate.
3. Creosote.
4. Hydrocyanide.
5. Hydcyanic acid.
6. Ipecac, fluid extract.
7. Lungwort fluid extract.
13. Phosphoric acid.
14. Potassium citrate.
15. Senega.
16. Sodium citrate.
17. Squill syrup.
18. Tartar emetic (antimony-potassium tartrate).

D. Firms electing to reformulate and/or relabel their products must remove any ingredients listed in C above. Ingredients listed in B above may be left in reformulated preparations pending the OTC panel review. After receipt of the OTC panel report, further reformulation may be required to remove any expectorant determined to be less than effective.

E. Antihistamines and oral decongestants will not be permitted in cough preparations.

II. *Preparations for vasomotor rhinitis and allergic rhinitis.*—A. A preparation containing any one of the following antihistamines at doses considered effective will be considered effective for:

(1) Seasonal and perennial allergic rhinitis and

(2) Vasomotor rhinitis:

Ingredient	Oral daily dosage	
	Adults	Children
1. Tripelennamine hydrochloride	37.5 to 75 mg every 4 to 6 h	18 to 60 mg every 4 to 6 h.
Tripelennamine citrate	25 to 50 mg every 4 to 6 h	
2. Diphenhydramine hydrochloride	50 mg every 4 to 6 h	Over 20 lb 12.5 to 25 mg every 4 to 6 h.
3. Bromidiphenhydramine hydrochloride.	25 to 50 mg every 4 to 6 h	5 to 20 mg every 4 to 6 h.
4. Chlorpheniramine maleate	2 to 4 mg every 4 to 6 h	2 mg every 4 to 6 h.
5. Cyproheptadine hydrochloride	4 mg every 4 to 6 h	2 to 6 years: 2 mg every 4 to 6 h. 7 to 14 years: 4 mg every 4 to 6 h.
6. Pheniramine maleate	12.5 to 25 mg every 4 to 6 h	5 to 15 mg every 4 to 6 h.
7. Promethazine	12.5 mg every 4 to 6 h	6.25 to 12.5 mg every 4 to 6 h.
8. Diphenylpyraline HCl	2 mg every 4 to 6 h	6 years and over: 2 mg every 4 to 6 h. Under 6 years: ½ to 1 mg every 4 to 6 h.
9. Pyrilamine maleate, N.F.	25 to 50 mg every 4 to 6 h	Over 6 years: 12.5 to 25 mg every 4 to 6 h. 3 to 6 years: 10 to 20 mg every 4 to 6 h.
10. Dexbrompheniramine	4 mg every 4 to 6 h	Less than 6 years, not to be used. 6 to 12 years: 4 mg every 4 to 6 h.
11. Methapyrilene hydrochloride	25 to 50 mg every 4 to 6 h	5 mg every 4 to 6 h.
12. Dimethindene maleate	1 to 2 mg every 4 to 6 h	Under 6 years: 0.25 to 0.5 mg every 4 to 6 h.
13. Carbinoxamine maleate	4 to 8 mg every 4 to 6 h	2 to 4 mg every 4 to 6 h.
14. Phenindamine tartrate	10 mg every 4 to 6 h	6 years or over.
15. Thenyldamine hydrochloride	25 to 50 mg every 4 to 6 h	6 to 12 yrs: 12.5 to 25 mg every 4 to 6 h.
16. Triprolidine HCl	2.5 mg every 4 to 6 h	Over 2 years: ½ tablet or 1 tsp every 4 to 6 h.
17. Brompheniramine maleate	4 to 8 mg every 4 to 6 h	Over 6 years: 1 tbsp. every 4 to 6 h. Under 6 years: 0.2 mg/lb/24 h.
18. Doxylamine succinate	12.5 to 25 mg every 4 to 6 h	6.25 mg every 4 to 6 h.
19. Dimethindine maleate	1 to 2 mg every 4 to 6 h	Over 6 years: 1 to 2 mg every 4 to 6 h. Under 6 years: 0.25 to 0.5 mg every 4 to 6 h.
20. Dexbrompheniramine	4 to 8 mg every 4 to 6 h	6 years and over: 2 to 4 mg every 4 to 6 h.
21. Brompheniramine maleate	4 to 8 mg every 4 to 6 h	6 years or over: 2 to 4 mg every 4 to 6 h.
22. Dextrochlorpheniramine maleate	4 to 8 mg every 4 to 6 h	6 years or over: 2 to 4 mg every 4 to 6 h.
23. Pyrrobutamine phosphate	15 mg every 4 to 6 h	6 years or over: ½ to ½ tbsp every 4 to 6 h.
24. Isothipendyl hydrochloride	4 to 8 mg every 4 to 6 h	6 years or over: 2 to 4 mg every 4 to 6 h.

B. A preparation containing one of the above antihistamines may also contain one of the following orally administered nasal decongestants and be considered effective for vasomotor rhinitis and allergic rhinitis:

1. Phenylpropanolamine HCl—25–50 mg every 4 hours.
2. Ephedrine HCl.
   Ephedrine S04—25 mg every 4 hours.
3. Pseudoephedrine HCl—25–60 mg every 4 hours.
4. Cyclopentamine HCl—12.5 mg every 4 hours.

C. The ingredients listed as nasal decongestants in B above are subject to change of classification regarding safety and efficacy after receipt of the OTC panel report.

D. Single ingredient antihistamines are also effective for other indications as published in the FEDERAL REGISTER.

E. Antitussive and expectorants will not be permitted in allergy preparations.

III. *Others.*—A. None of the above ingredients, alone or in combination, is considered as safe and effective for relief of the symptoms of the common cold.

B. Evaluation of therapeutic agents for the relief of symptoms of the common cold may be carried on under an IND. The FDA is prepared to review data submitted for these indications.

C. Cough and allergy preparations may not contain analgesics (e.g., aspirin, acetaminophen).

The following references identify some of the scientific data base for the judgment made in these guidelines.

1. National Academy of Science-National Research Council Reports.
2. FEDERAL REGISTER Announcements.
3. New Drug Applications.
4. The Medical Letter.
5. Physicians Desk Reference.
6. AMD Drug Evaluations—New Drugs.
7. Merck Index.
8. Remingtons Pharmaceutical Sciences.
9. U.S. Pharmacopeia.
10. British Pharmacopeia.
11. Martindale Extra Pharmacopeia.
12. Toxic Substances, DHEW, HSMSA.
13. Dosage Posology—Shirkey.
14. Handbook of Pharmacology—Cutting.
15. Pharmacological Basis of Therapeutics—Goodman & Gilman.
16. Drugs of Choice—Modell.
17. Manual of Pharmacology—Sollman.
18. Pharmacologic Principles of Medical Practice—Krantz and Carr.
19. Pharmacology—Drill.
20. Textbook of Pharmacology—Bentley and Divers.
21. A Selected Bibliography Cough, Cold, Allergy, 1950—May 1972 (Compiled by FDA Medical Library for OTC Drug Literature Program).
22. A Selected Bibliography Bronchodilators and Anti-Asthmatic, 1960–1972 (Compiled for OTC Drug Literature Program).
23. Supplemental References to a Selected Bibliography 1967–1972, Aminophylline, Epinephrine, Theophylline (Compiled for OTC Drug Literature Program).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701(a), 52 Stat. 1051–1053 as amended, 1055; 21 U.S.C. 353, 355, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated May 10, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-9590 Filed 5-14-73;8:45 am]

Health Services and Mental Health Administration

COMPREHENSIVE HEALTH PLANNING TRAINING AND STUDIES REVIEW COMMITTEE

Notice of Meeting

The Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of May 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Comprehensive Health Planning Training and Studies Review Committee.	May 16, 9 a.m., Parklawn Bldg., Conference room L, 5600 Fishers Lane, Rockville, Md.	Closed. Contact Anna J. Rolfe, room 7-31, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2390.

Purpose.—The Committee is charged with the review of grant applications with respect to the development of improved or more effective Comprehensive Health Planning through training and education. Provides advice and assistance on programing goals and policies relating to Comprehensive Health Planning training, studies, and demonstrations.

Agenda.—The Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the session may be obtained from the contact person listed above.

Dated May 11, 1973.

ANDREW J. CARDINAL,
Acting Associate Administrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-9752 Filed 5-14-73;9:34 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2), Public Law 92-463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Thursday, May 17, 1973, 10 a.m. to 6 p.m.,

local time, at the Statler Hilton Hotel, 16th Street between K and L NW., Washington, D.C., and Friday, May 18, 1973, 9:30 a.m. to 1 p.m., local time, at the Sheraton Carlton Hotel, 16th and L Streets NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Public Law 90-35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of Federal policies on evaluation; personnel training for bilingual education; appropriations for education professions development; and topics which will be given priority by the Council in 1973-74. Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111 20th Street NW., room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on May 10, 1973.

JOSEPH YOUNG,
Executive Director.

[FR Doc.73-9619 Filed 5-14-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that the first meeting of the National Advisory Council on Indian Education will be held on May 19, 1973 at 1-6 p.m. and May 20, 21, and 22 at 8 a.m.-6 p.m., local time at the Quality Inn, 300 Army Navy Drive, Arlington, Va.

This council was established on June 23, 1972, by the Indian Education Act, title IV, section 442(a) of Public Law 92-318, the Education Amendments of 1972. The council is to advise the Commissioner of Education with respect to the administration of any program in which Indian children or adults participate from which they can benefit; to review applications for assistance and make recommendations to the commissioner with respect to their approval; evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations; provide technical assistance to local education agencies and to Indian education agencies, institutions, and organizations; assist the commissioner in developing criteria and regulations for the administration and evaluation of grants; and to submit to the Congress an annual report of its activities.

The meeting of the council shall be open to the public. The proposed agenda includes the swearing in of the council, general orientation of the members, organizational and administrative matters, review of draft regulations and draft application forms, approval of the council budget, review of program priorities, and planning for future meetings.

Because of limited space for the meeting, all persons wishing to attend should request reservations from the National Advisory Council on Indian Education, room 4032, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Records shall be kept of all council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education temporarily located at the Washington address above.

Signed at Washington, D.C., on May 8, 1973.

F. B. MCGETTRICK,
Acting Deputy Commissioner of Indian Education.

[FR Doc.73-9559 Filed 5-14-73;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet Thursday and Friday, June 21-22, 1973. Thursday, June 21, the Committee will meet from 9 a.m. to 5 p.m. in room 4173, HEW-North Building, 330 Independence Avenue SW., Washington, D.C. Friday, June 22, the Committee will meet from 9 a.m. to 4 p.m. in the Snow Room, 5th Floor, HEW-North Building. The Committee will discuss health, education, social services, welfare, and HEW employment policies as they relate to women. In particular, the Committee will present its annual report to the Secretary and discuss issues to be considered during the next year. This meeting is open to the public.

Dated May 7, 1973.

KAREN KEESLING,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.73-9571 Filed 5-14-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-152; Administrative Proceeding filed No. 2-35]

LAKE MOHAVE RANCHES

Notice of Proceedings and Opportunity for Hearing

On August 10, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Thomas E. White, president, T. & F. Enterprises, Inc., 810 East Sahara Avenue, Las Vegas, Nev. 89105, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

I. The Department's public file discloses that:

A. T. & F. Enterprises, Inc., has filed a statement of record for Lake Mohave Ranches located in Arizona (OILSR No. 0-0183-02-34), effective December 20, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Thomas E. White is president of the developer.

C. The address of the developer is 810 East Sahara Avenue, Las Vegas, Nev. 89105.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674). These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of August 10, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105: Instructions for completion of statement of record, paragraph c; part IV. B. 2. C 3.; part IV. D; part VIII. A. 8. d.; part IX. A. 4.; part XI. C.

2. Section 1710.110: Paragraph 2. a.; paragraph 2. b.; paragraph 8. (c); paragraph 8. (d); paragraph 15. (b); paragraph 15. (c); additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that

proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR Docket Clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-9589 Filed 5-14-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 5-73-05 R]

PRESIDENT'S CUP REGATTA

Special Local Regulations

This notice promulgates special local regulations for the President's Cup Regatta. These special local regulations are established to insure the safety of life on the Potomac River at Washington, D.C., immediately before, during, and immediately after this regatta. Since these special rules must be made effective in less than 30 days to apply at the time of the scheduled event, I find that notice and public procedure on the issuance of these rules is impracticable and contrary to the public interest and that they may be made effective in less than 30 days from publication.

SPECIAL LOCAL REGULATIONS

(a) *Location.*—The area subject to these regulations is those waters enclosed by a line drawn from the southern tip of Haines Point northwards along the eastern seawall to a point 1,000 feet from the southern tip of Haines Point; thence easterly to a point 400 feet from the seawall; thence in a southerly direction to a point 1,400 feet distant, thence along a line of bearing 240° T. to the Virginia shore, upstream thence along the Virginia shoreline to the Penn Central Railroad bridge between Washington, D.C., and Arlington, Va.; thence 034° T. to the Potomac Park-Potomac River shoreline; thence along the Potomac Park-Potomac River shoreline to the southern tip of Haines Point.

(b) *Regulations.*—(1) Except for participants in the President's Cup Regatta or persons or vessels authorized by the Coast Guard patrol officer, no person or vessel may enter or remain in the area specified in paragraph (a) of these regulations.

(2) The operator of any vessel in the immediate vicinity of the area specified in paragraph (a) of these regulations shall:

(i) Stop his vessel immediately upon hearing five or more short blasts of a horn or whistle from any vessel displaying a Coast Guard emblem; and

(ii) Proceed as directed by any Coast Guard officer or petty officer.

(3) Any spectator vessel may anchor outside of the area specified in paragraph (a) of this regulation.

(4) The Coast Guard patrol officer is a commissioned officer of the Coast Guard, who has been designated by the Commander, Fifth Coast Guard District.

(5) These regulations and other applicable laws and regulations are enforced by Coast Guard officers and petty officers on board Coast Guard, public, and private vessels displaying the Coast Guard emblem.

(Sec. 1, 35 Stat. 69, as amended, sec. 6(b)(1) 80 Stat. 937; 46 U.S.C. sec. 454, 49 U.S.C. sec. 1655(b)(1); 33 CFR 100.35, 49 CFR 1.46(b).)

Effective dates.—These regulations are effective from 9 a.m., e.d.s.t., until 6 p.m., e.d.s.t., on May 30, 31, and June 1, 2, and 3, 1973.

Dated May 4, 1973.

ROSS P. BULLARD,
Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc.73-9574 Filed 5-14-73;8:45 am]

Federal Aviation Administration

FLIGHT INSPECTION DISTRICT OFFICE AT ALBUQUERQUE, N. MEX.

Notice of Closing

Notice is hereby given that on June 3, 1973, the Flight Inspection District Office at Albuquerque, N. Mex., will be closed. Flight inspection services formerly provided by this office will be provided by the Flight Inspection District Office in Fort Worth, Tex. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1354; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Fort Worth, Tex., on May 2, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-9548 Filed 5-14-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On May 24 and 25, 1973, the National Highway Safety Advisory Committee will hold open meetings in Arlington, Va., and Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The advisory committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The following meetings will be held, subject to approval by the Secretary of Transportation:

The full committee will meet from 9 a.m. to 12 noon on May 24, in the ballroom of the Quality Inn Hotel, 300 Army-Navy Drive, Arlington, Va., with the following agenda:

Report of executive subcommittee.
Staff briefings on:
- State and community program funding.
- States' comprehensive plans.
- Plans for evaluation of "report card."
- FHWA progress on implementation of November resolution on highway hazards.

From 1:30 p.m. to 4 p.m., the two subcommittees will meet with the following items on their respective agendas:

Subcommittee on Research and Program Development:
- Discussion of standards revision.
- Report of ad hoc committee on driver education.

New business.
Development of subcommittee report to full committee.
Subcommittee on Standards Implementation:
Preparation of report on Colorado Springs conference.
Discussion of "report card."
Report of liaison with State legislatures.
Ad hoc task force on adjudication—final report.
New business.
Preparation of subcommittee report to full committee.

On May 25, the full committee will meet from 9 a.m. to 1 p.m. in room 2230, DOT Headquarters Building, 400 Seventh Street SW., Washington, D.C., with the following agenda:

Report of the ad hoc task force on adjudication.
Report of the Subcommittee on Research and Program Development.
Report of the Subcommittee on Standards Implementation.
New business.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on May 9, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-9595 Filed 5-14-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Availability of Initial Decision of Atomic Safety and Licensing Board

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulation in appendix D, sections A.9 and A.11, to 10 CFR part 50, notice is hereby given that an initial decision dated February 27, 1973, by the Atomic Safety and Licensing Board in the above-captioned proceeding authorizing issuance of a license to Vermont Yankee Nuclear Power Corp. for operation of Vermont Yankee Nuclear Power Station located in Windham County, Vt., is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Brooks Memorial Library, 224 Main Street, Brattleboro, Vt. 05301.

The initial decision is also being made available at the Vermont Agency of Administration, Department of Budget and Management, Pavilion Office Building, Montpelier, Vt. 05602, and at the Windham Regional Planning and Development Commission, 139 Main Street, Brattleboro, Vt. 05301.

The initial decision modified in certain respects the contents of the final environmental statement relating to the licensing for operation of the Vermont Nuclear Power Station prepared by the Commission's Directorate of Licensing. A copy of this final environmental statement is also available for public inspection at the above-designated locations.

Pursuant to the provisions of 10 CFR part 50, appendix D, section A.11, the final environmental statement is deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the initial decision are different from those contained in the final environmental statement. As required by section A.11 of appendix D, a copy of the initial decision, which modifies the final environmental statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the initial decision and of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., the 8th day of May 1973.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-9591 Filed 5-14-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25459]

AMERICAN AIRLINES, INC.

Notice of Prehearing Conference

In the matter of American Airlines, Inc., Round trip Excursion Fares.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 1, 1973, at 10 a.m. (local time), in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Louis W. Sornson.

In order to facilitate the conduct of the conference parties are instructed to submit on or before May 25, 1973, one copy to each party and four copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates.

Dated at Washington, D.C., May 9, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-9610 Filed 5-14-73;8:45 am]

[Docket No. 24488; Order 73-5-43]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Issued under delegated authority May 9, 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's economic regulations, between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the traffic conferences of the International Air Transport Association (IATA). The agreement was adopted by mail vote, and provides for editorial changes to an existing resolution governing currency exchange procedures.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement CAB 23653, are adverse to the public interest or in violation of the Act:

100 (Mail 926) 021f.
200 (Mail 179) 021f.
300 (Mail 403) 021f.

Accordingly, it is ordered, That:

Agreement CAB 23653 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9613 Filed 5-14-73;8:45 am]

[Docket No. 25264]

STANLEY G. WILLIAMSON AND SOUTHERN AIR TRANSPORT INC.

Postponement of Hearing

In the matter of Stanley G. Williams/Southern Air Transport, Inc., acquisition of control.

Notice is hereby given that the hearing in the above-entitled proceeding has been postponed from May 30, 1973 (38 FR 10753, May 1, 1973), to May 31, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 9, 1973.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.73-9611 Filed 5-14-73;8:45 am]

NEW YORK-NEW JERSEY CONGRESSIONAL DELEGATIONS

Notice of Meeting

Notice is hereby given that a meeting with the above delegations and airline representatives will be held on May 16, 1973, at 3 p.m. (local time), in room 1027, Universal Building, 1825 Connecticut

Avenue NW., Washington, D.C., to discuss airline service between Washington and New York.

Dated at Washington, D.C., May 11, 1973.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-9763 Filed 5-14-73;11:26 am]

COST OF LIVING COUNCIL

[Cost of Living Council Order No. 25]

ADMINISTRATOR, OFFICE OF PRICE MONITORING, ET AL.

Delegations of Authority

Pursuant to the authority vested in me as Director of the Cost of Living Council by Cost of Living Council Order No. 14, it is hereby ordered as follows:

1. There is delegated to the Administrator, Office of Price Monitoring, authority to:

(a) Make decisions and issue orders with respect to individual requests for price adjustments;

(b) Make decisions and issue orders with respect to individual requests for volatile pricing authorization, treatment as low profit firms, or modification of term limit pricing authorizations;

(c) Make decisions and issue orders with respect to individual requests for reconsiderations of denials and partial approvals of requests for price adjustments;

(d) Make decisions and issue orders with respect to individual requests for exceptions from the regulations and orders governing price matters;

(e) Consider and decide appeals from exception denials by the Internal Revenue Service with respect to price and rent matters;

(f) Monitor price and rent increases or adjustments put into effect before January 11, 1973; and notify persons of probable violations of the regulations and orders of the Cost of Living Council, issue remedial orders, monitor remedial activities, and approve compliance actions with respect thereto;

(g) Monitor price increases or adjustments put into effect after January 10, 1973, disclosed as the result of individual company filings; and issue challenges and remedial orders, monitor remedial activities and approve compliance actions with respect thereto;

(h) Request information and conduct hearings with respect to functions delegated in this paragraph.

2. There is delegated to the Assistant Director, Compliance and Enforcement, authority to:

(a) Monitor price increases or adjustments put into effect after January 10, 1973, disclosed by other than individual company filings; and issue challenges and remedial orders, monitor remedial activities and approve compliance actions with respect thereto;

(b) Review recommendations for remedial action with respect to pay adjustments; and notify persons of probable violations of the regulations and orders of the Cost of Living Council, issue remedial orders, monitor remedial activities and approve compliance actions with respect thereto;

(c) Direct the Internal Revenue Service to conduct investigations to determine whether persons are in compliance with the regulations and orders of the Cost of Living Council and supervise those investigations; and

(d) Request information and conduct hearings with respect to functions delegated in this paragraph.

3. There is delegated to the General Counsel authority to:

(a) Represent the Cost of Living Council and make recommendations to the Department of Justice with respect to litigation in which the Cost of Living Council is a party;

(b) Make recommendations to the Department of Justice as to the prosecution of violations and the handling of all other court proceedings relating to the regulations and orders of the Cost of Living Council;

(c) Compromise and collect civil penalties for violations of the regulations and orders of the Cost of Living Council;

(d) Issue legal opinions and interpretations of the regulations, decisions, and orders of the Cost of Living Council and the laws relating thereto; and

(e) Consider and decide all appeals from adverse determinations of economic stabilization matters by the Internal Revenue Service except with respect to:

(i) Exception requests relating to price and rent matters, which shall be considered and decided by the Administrator, Office of Price Monitoring; and

(ii) Exception requests and challenges relating to pay matters, which shall be considered and decided by the Administrator, Office of Wage Stabilization.

4. (a) There is delegated to the Administrator, Office of Wage Stabilization, authority to:

(i) Issue challenges with respect to pay adjustments as provided in Cost of Living Council Regulations;

(ii) Process, consider, decide, and issue decisions and orders with respect to individual cases involving pay adjustments presented to the Cost of Living Council under the policies, rulings, and regulations of the Council;

(iii) Rule on requests for review or reconsideration of initial decisions made pursuant to this paragraph;

(iv) Monitor pay adjustments; and

(v) Request information and conduct hearings with respect to functions delegated in this paragraph.

(b) In the consideration of any pay adjustment under subparagraph (a), the Administrator shall, except as otherwise directed by the Director, take final action only after consulting with and receiving recommendations as to disposition from the appropriate tripartite industry wage and salary committee as heretofore or hereafter may be established by the Council and may solicit and receive the advice and recommendations of any other appropriate individual, group, panel, or committee.

(c) The authority delegated in subparagraph (a) does not include any authority which has been delegated to the Construction Industry Stabilization Committee pursuant to Cost of Living Council Orders Nos. 16 and 20.

5. There is delegated to the Assistant Director for Management authority to:

(a) Exercise procurement authority for the Cost of Living Council in accordance with the Federal Property Management Regulations and the Federal Procurement Regulations;

(b) Appoint cashiers and certify financial statements;

(c) Administer such special funds as may be required by statute or by administrative determination for carrying out the functions of the Cost of Living Council;

(d) Administer personnel management activities including effectuation of personnel actions; and

(e) Administer support services activities.

6. There is delegated to the Executive Secretary authority to determine, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-462, 86 Stat. 770), that advisory committee meetings shall be closed and to sign notices with respect to advisory committee meetings for publication in the FEDERAL REGISTER.

7. Each official to whom authority is delegated by this order may redelegate that authority.

8. In exercising the authority delegated by this order or redelegated pursuant thereto officials of the Cost of Living Council shall be governed by the regulations and rulings of the Cost of Living Council and by the policies, procedures, and controls prescribed by the Director of the Cost of Living Council, or his delegate.

9. Actions taken by the Administrator, Office of Price Monitoring, and the Administrator, Office of Wage Stabilization, under paragraphs 1(c) and 4(a)(iii) respectively are administratively final. Review of these actions may be sought in the appropriate Federal district court pursuant to section 211 of the Economic Stabilization Act of 1970, as amended (Public Law 92-210, 85 Stat. 744).

10. Cost of Living Council Orders No. 22 and No. 23 are hereby superseded.

11. This order is effective April 23, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-9568 Filed 5-14-73;8:45 am]

[Cost of Living Council Order No. 26]

DIRECTORSHIP

Order of Succession

The following officials, in the order indicated, shall act as Director of the Cost of Living Council, in case of the absence or disability of the Director, until the absence or disability ceases, or in the case of a vacancy in the Office of

the Director, until a successor is appointed.

(1) Deputy Director.

(2) General Counsel.

In the case of the absence or disability of the Deputy Director, until the absence or disability ceases, or in the case of a vacancy in the Office of the Deputy Director, until a successor is appointed, the General Counsel shall act as Deputy Director.

This order is issued under the authority of Executive Order 11695 and the authority delegated to me by Cost of Living Council Order No. 14, 38 FR 1489.

Issued in Washington, D.C., on May 8, 1973.

JOHN T. DUNLOP,
Director,
Cost of Living Council.

[FR Doc.73-9569 Filed 5-14-73;8:45 am]

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Determination To Close Meeting

The Director of the Cost of Living Council has determined that the meeting of the Food Industry Wage and Salary Committee to be held, as previously announced, on May 23, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on May 11, 1973.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

[FR Doc.73-9704 Filed 5-11-73;1:01 pm]

FEDERAL POWER COMMISSION

[Dockets Nos. CP72-35, CP69-41]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Initial Rate Schedule

MAY 8, 1973.

Take notice that on April 16, 1973, Algonquin Gas Transmission Co. (Algonquin) tendered for filing an initial rate schedule and executed service agreements for synthetic gas sales, pursuant to Opinions Nos. 637 and 637-A. Algonquin states that the Commission by Opinions Nos. 637 and 637-A authorized Algonquin to commence the sale of synthetic gas to its customers under rate schedule SNG-1, and required 6 months' notice of the commencement date of such sales. Algonquin states that the initial commencement date is estimated as October 16, 1973, and Algonquin requested that such date be considered as the tentative effective date of the tariff sheets and service agreements. Algonquin's estimated revenue for the first 12 months of operation under rate schedule SNG-1 is $24,125,060.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 May 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9643 Filed 5-14-73;8:45 am]

FEDERAL RESERVE SYSTEM

INDUSTRIAL BANK OF JAPAN, LTD.

Acquisition of Bank

Industrial Bank of Japan, Ltd., Tokyo, Japan, 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 14,214 of the voting shares of the Bank of Tokyo Trust Co., New York, N.Y., by subscription to a rights offering. 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 New York. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank to be received not later than May 23, 1973.

Board of Governors of the Federal Reserve System, May 9, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9601 Filed 5-14-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 103; U-RI-466]

BLOCK ISLAND NORTH LIGHT STATION, NEW SHOREHAM, R.I.

Transfer of Property

Pursuant to section 2 of Public Law 537, 80th Congress, approved May 15, 1948 (16 U.S.C. 667c), notice is hereby tions:

1. By letter from the General Services Administration, Boston, Mass., Regional Office, dated April 12, 1973, the property comprising approximately 28.7 acres of land improved with three buildings and a light tower, identified as Portion—Block Island North Light Station, New Shoreham, R.I., has been transferred to the Department of the Interior.

2. The above property was transferred to the Department of the Interior for a migratory bird refuge in accordance with the provisions of section 1 of the said Public Law 537 (16 U.S.C. 667b).

Dated May 7, 1973.

THOMAS M. THAWLEY,
Commissioner.

[FR Doc.73-9565 Filed 5-14-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

JEWELL RIDGE COAL CORP.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2 mg/m³) have been received as follows:

(1) ICP docket No. 20070, Jewell Ridge Coal Corp., Big Creek Seaboard Mine No. 1, USBM ID No. 44 02253, Jewell Valley, Va.:
- Section ID No. 001 (west main hdg.).
- Section ID No. 002 (west main hdg.).
- Section ID No. 003 (1 south).

(2) ICP docket No. 20073, Jewell Ridge Coal Corp., Big Creek Tiller Mine, USBM ID No. 44 01488 0, Jewell Valley, Va.:
- Section ID No. 001-1 (6 right off tiller mains).
- Section ID No. 003 (1 right off west mains).
- Section ID No. 006 (1 west mains (right side)).
- Section ID No. 005 (5 right off tiller mains).

(3) ICP docket No. 20074, Jewell Ridge Coal Corp., No. 11 UG Mine, USBM ID No. 44 00251 0, Jewell Valley, Va.:
- Section ID No. 001 (north mains).
- Section ID No. 004 (betts branch mains).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before May 30, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 10, 1973.

[FR Doc.73-9560 Filed 5-14-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-41]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL, COMMITTEE ON AERONAUTICAL PROPULSION

Agenda and Notice of Meeting

The NASA Research and Technology Advisory Council, Committee on Aero-

nautical Propulsion will meet on May 23 and 24, 1973, at the NASA Lewis Research Center, Cleveland, Ohio. The meeting is open to the public and will be held at the Guerin House located at the Lewis Research Center. The seating capacity at the Guerin House is about 30 persons, including committee members and other participants.

The NASA Research and Technology Advisory Council, Committee on Aeronautical Propulsion was established to advise NASA's senior management in the areas of aeronautical propulsion research and technology. The committee studies issues, pinpoints critical problems, determines gaps in needed technology, points out desirable goals and objectives, summarizes the state-of-the-art, assesses ongoing work, and makes recommendations to help NASA plan and carry out an aeronautical propulsion program of greatest benefit to the Nation. There are 14 members on the Aeronautical Propulsion Committee. The current chairman is Mr. Richard J Coar.

The following list sets forth the approved agenda and schedule for the meeting. For further information please contact the Executive Secretary, Mr. Harry W. Johnson, area code 202–755–3003.

MAY 23, 1973

Time	Topic
8:30 a.m.	Report by the chairman—(Purpose: Chairman will report on the results of the last Research and Technology Advisory Council Committee meeting).
9 a.m.	Executive Secretary report—(Purpose: Secretary will report on NASA policies on committees, organizational changes, program plans, and review NASA actions on past committee recommendations).
10 a.m.	Center reports — (Purpose: Center will report on accomplishments during the past year on their research and technology programs).
1 p.m.	Military services reports—(Purpose: To review the major elements of military propulsion research as it relates to NASA activities).
2 p.m.	Review of major ongoing NASA programs—(Purpose: To review state of technology and identify problem areas of major ongoing NASA programs in the area of noise, pollution, and advanced supersonic technology).

MAY 24, 1973

8:30 a.m.	Report on energy conservation—(Purpose: To determine the impact of limited petroleum-based fuels on future aircraft fuel needs and to examine solutions to the problems).
1 p.m.	Committee discussion and recommendations — (Purpose: To discuss major elements presented during the meeting and to recommend courses of action to NASA).

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MAY 10, 1973.

[FR Doc.73-9585 Filed 5-14-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ALABAMA

Amendment to Notice of Major Disaster

Notice of major disaster for the State of Alabama, dated March 27, 1973, and published April 2, 1973 (38 FR 8488); amended April 5, 1973, and published April 9, 1973 (38 FR 9049); amended April 20, 1973, and published April 26, 1973 (38 FR 10334); and amended May 3, 1973, and published May 7, 1973 (38 FR 11377) is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of March 27, 1973:

The counties of:
Hale Wilcox

Dated May 9, 1973.

DARRELL M. TRENT,
Acting Director, Office of Emergency Preparedness.

[FR Doc.73-9549 Filed 5-14-73;8:45 am]

VETERANS' ADMINISTRATION

VETERANS' ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans' Administration gives notice that meetings of the VA Wage Committee will be held at the Veterans' Administration central office, 810 Vermont Avenue NW., Washington, D.C., on:

Thursday, June 7, 1973.
Thursday, June 21, 1973.
Thursday, July 5, 1973.
Thursday, July 19, 1973.
Thursday, August 2, 1973.
Thursday, August 16, 1973.

The meetings will convene in room 1100 at 2 p.m. for the purpose of reviewing the adequacy of data obtained in wage surveys conducted under the lead of VA field stations and under the procedure requirements of the Federal wage system.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92–463, based on the confidential nature of information under consideration.

Dated May 9, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-9593 Filed 5-14-73;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL

Meeting of Committee on Industrial Safety

A meeting of the Labor Research Advisory Council's Committee on Industrial Safety will be held on May 24 at 10 a.m. in the Board Room (8th Floor) of the National Association of Letter Carriers Building, 100 Indiana Avenue NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The agenda for the meeting follows:

1. Status of the 1972 OSHS survey and plans for the 1973 survey.
2. Status of the State grants program.
3. Report on the Recordkeeping Revision Task Force.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (area code 202) 961–2247.

Signed at Washington, D.C. this 9th day of May 1973.

BEN BURDETSKY,
Deputy Commissioner of Labor Statistics.

[FR Doc.73-9570 Filed 5-14-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 242]

ASSIGNMENT OF HEARINGS

MAY 10, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No

Amendments will be entertained after the date of this publication.

MC 107912 sub 17, Rebel Motor Freight, Inc., continued to July 31, 1973, in room 918, Federal Building, 167 North Main Street, Memphis, Tenn.

AB-5 sub 7, Cleveland, Cincinnati, Chicago, and St. Louis Railway Co., and George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Wilkinson and Hunter, in Hancock and Marion Counties, Ind., now being assigned hearing July 9, 1973 (1 week), at New Castle, Ind., in a hearing room to be later designated.

MC 123744 sub 8, Butler Trucking Co., now being assigned July 17, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 134599 subs 39, 40, and 41, Interstate Contract Carrier Corp., now assigned June 5, 1973, at Washington, D.C., postponed to June 11, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-52858 sub 109, Convoy Co., now assigned June 6, 1973, at Denver, Colo., is canceled and the application dismissed.

MC 33641 sub 101, IML Freight, Inc., now being assigned June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC 112989 sub 30, West Coast Truck Lines, Inc., now being assigned June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC 128343 sub 21, C-Line, Inc., now being assigned July 18, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 108411 sub 5, Stearly's Motor Freight, Inc., extension-cranes, now being assigned for hearing July 18, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-138078 sub 2, M K Transport, Inc., application is dismissed.

MC-135109 sub 3, Seco, Inc., now being assigned July 19, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-9607 Filed 5-14-73;8:45 am]

[Notice 271]

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 May 30, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74339. By order of May 8, 1973, the Motor Carrier Board approved the transfer to Willard Graese Transport Service, Inc., Mondovi, Wis., of that portion of the operating rights in certificate No. MC-72580 issued April 1, 1957, to R. M. Hart, Gilmanton, Wis., authorizing the transportation of general commodities, with usual exceptions, between Mondovi, Wis., and Winona, Minn., serving all intermediate points. F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114, registered practitioner for applicants.

No. MC-FC-74404. By order entered May 7, 1973, the Motor Carrier Board approved the transfer to Ellis Transfer and Storage, Inc., Florence, S.C., of the operating rights set forth in certificate No. MC-87674, issued July 25, 1961, to Rice Transfer and Storage, Inc., Rock Hill, S.C., authorizing the transportation of household goods as defined by the Commission, between specified points in South Carolina and North Carolina, on the one hand, and, on the other, points in Georgia, North Carolina, Tennessee, and Virginia; and between specified points in South Carolina, on the one hand, and, on the other, points in North Carolina. John L. McGowan, Box 109, Florence, S.C., attorney for applicants.

No. MC-FC-74436. By order of May 8, 1973, the Motor Carrier Board approved the transfer to Great Eastern Trucking Corp., Lynn, Mass., of certificate of registration No. MC-120847 (sub-No. 1), issued January 22, 1964, to Intrastate Transport, Inc., Malden, Mass., evidencing a right to engage in transportation in interstate commerce as described in irregular route common carrier certificate No. 5271 issued by the Massachusetts Department of Public Utilities. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, attorney for applicants.

No. MC-FC-74463. By order entered May 8, 1973, the Motor Carrier Board approved the transfer to Arrow Bus Co., Inc., Clifton, N.J., of the operating rights set forth in certificate No. MC-37049, issued May 18, 1949, to Louise Travers, doing business as Burlington Tours, Paterson, N.J., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point and in the territory indicated, in charter operations, over irregular routes, from Paterson, N.J., and points and places within 15 miles of Paterson, to points and places in New York, and return. Edward F. Bowes, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-9605 Filed 5-14-73;8:45 am]

[Notice 270]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 10, 1973.

Application filed for temporary authority under section 210a(b), in connection with transfer application under section 212(b), and transfer rules, 49 CFR part 1132:

No. MC-FC-74479. By application filed May 4, 1973, TILLMAN TRANSFER, INC., 746 East 22d St., Freemont, Nebr. 68025, seeks temporary authority to lease the operating rights of DELBERT BRAESCH, doing business as ARLINGTON-HOOPER TRANSFER, P.O. Box 218, Arlington, Nebr. 68002, under section 210a(b). The transfer to TILLMAN TRANSFER, INC., of the operating rights of DELBERT BRAESCH, doing business as ARLINGTON-HOOPER TRANSFER, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-9606 Filed 5-14-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

47 CFR

49 CFR

49 CFR—Continued

50 CFR

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*	*Pages*	*Date*
10699–10788	May 1	11427–12084	May 8
10789–10908	2	12085–12194	9
10909–11052	3	12195–12306	10
11053–11329	4	12307–12594	11
11331–11426	7	12595–12721	14
		12723–12789	15

federal register

TUESDAY, MAY 15, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 93

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

RESEARCH AND DEMONSTRATION GRANTS

Interim Regulations

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

PART 40—RESEARCH AND DEMONSTRATION GRANTS

Interim Regulations

Interim regulations are hereby promulgated to publish a new codification (40 CFR pt. 40) for Environmental Protection Agency research and demonstration grant regulations which supplement the general grant regulations (40 CFR pt. 30). Publication of these regulations is a continuation of an effort to coordinate and conform grant award and administration policies, procedures, and terms for the various EPA grant programs, to improve administration of these grant programs and to furnish applicants, grantees, and the public with a more explicit statement of grant award and administration requirements.

All EPA research and demonstration grants, including continuation grants, awarded after the effective date of part 40 shall be subject to the EPA general grant regulations (40 CFR pt. 30) and to the supplemental grant regulations published herewith (40 CFR pt. 40). For the most part, these regulations constitute a more explicit statement of prior regulations or of previously uncodified policies, procedures, and terms of the respective grant programs. Most changes are attributable to the effect to coordinate and conform EPA grant policies and procedures. The requirement that applicants submit applications in an original and 14 copies was incorporated to expedite processing by eliminating the time required for reproduction.

Interested parties and government agencies are encouraged to submit written comments, views, or data concerning the regulations promulgated hereby to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before June 29, 1973, will be considered prior to the promulgation of final EPA general or supplemental grant regulations. Suggestions for changes to the regulations promulgated in this subchapter are solicited on a continuous basis pursuant to 40 CFR 30.106.

Effective date.—The interim research and demonstration grant regulations and procedures of this new part 40 promulgated hereby shall become effective June 14, 1973.

Dated May 9, 1973.

ROBERT W. FRI,
Acting Administrator.

Sec.

§ 40.100 Purpose of regulation.

These provisions establish and codify policies and procedures governing the award of research and demonstration grants by the Environmental Protection Agency.

§ 40.105 Applicability and scope.

This part establishes mandatory policies and procedures for all EPA research and demonstration grants. The provisions of this part supplement the EPA general grant regulations and procedures (40 CFR pt. 30). Accordingly, all EPA research and demonstration grants are awarded subject to the EPA interim general grant regulations and procedures (40 CFR pt. 30) and to the applicable provisions of this part 40.

§ 40.110 Authority.

EPA research and demonstration grants are authorized under the following statutes:

(a) The Clean Air Act, as amended, 42 U.S.C. 1857 et seq.

(1) Section 103 (42 U.S.C. 1857b) authorizes grants for research and demonstration projects relating to the causes, effects, extent, prevention, and control of air pollution.

(2) Section 104 (42 U.S.C. 1857b–1) authorizes grants for research and development of new and improved methods for the prevention and control of air pollution resulting from the combustion of fuels.

(b) The Federal Water Pollution Control Act, as amended, Public Law 92–500.

(1) Section 104(b) (33 U.S.C. 1254(b)) authorizes grants for research and demonstration projects relating to the causes, effects, extent, prevention, reduction, and elimination of water pollution.

(2) Section 104(h) (33 U.S.C. 1254(h)) authorizes grants for research and development of new and improved methods for the prevention, removal, reduction, and elimination of pollution in lakes, including the undesirable effects of nutrients and vegetation, and for construction of publicly owned research facilities for such purpose.

(3) Section 104(i) (33 U.S.C. 1254(i)) authorizes grants for research, studies, experiments, and demonstrations relative to the removal of oil from any waters and for the prevention, control, and elimination of oil and hazardous substances pollution.

(4) Section 104(r) (33 U.S.C. 1254(r)) authorizes grants for the conduct of basic research into the structure and function of freshwater aquatic ecosystems, and to improve understanding of the ecological characteristics necessary to the maintenance of the chemical, physical, and biological integrity of freshwater aquatic ecosystems.

(5) Section 104(s) (33 U.S.C. (s)) authorizes grants to conduct and report on interdisciplinary studies on river systems, including hydrology, biology, ecology, economics, the relationship between river uses and land uses, and the effects of development within river basins on river systems and on the value of water resources and water-related activites.

(6) Section 105(a) (33 U.S.C. 1255(a)) authorizes grants for research and demonstration of new or improved methods for preventing, reducing, and eliminating the discharge into any waters of pollutants from sewers which carry storm water or both storm water and pollutants; and for the demonstration of advanced waste treatment and water purification methods (including the temporary use of new or improved chemical additives which provide substantial immediate improvement to existing treatment processes), or new or improved methods of joint treatment systems for municipal and industrial wastes.

(7) Section 105(b) (33 U.S.C. 1255(b)) authorizes grants for demonstrating, in river basins or portions thereof, advanced treatment and environmental enhancement techniques to control pollution from all sources, within such basin or portions thereof, including nonpoint sources, together with in-stream water quality improvement techniques.

(8) Section 105(c) (33 U.S.C. 1255(c)) authorizes grants for research and demonstration projects for prevention of pollution of any waters by industry including, but not limited to, the prevention, reduction, and elimination of the discharge of pollutants.

(9) Section 105(e)(1) (33 U.S.C. 1255(e)(1)) authorizes grants for research and demonstration projects with respect to new and improved methods of preventing, reducing, and eliminating pollution from agriculture.

(10) Section 105(e)(2) (33 U.S.C. 1255(e)(2)) authorizes grants for demonstration projects with respect to new and improved methods of preventing, reducing, storing, collecting, treating, or other-

wise eliminating pollution from sewage in rural and other areas where collection of sewage in conventional, communitywide sewage collection systems is impractical, uneconomical, or otherwise infeasible, or where soil conditions or other factors preclude the use of septic tank and drainage field systems.

(11) Section 107 (33 U.S.C. 1257) authorizes grants for projects to demonstrate comprehensive approaches to the elimination or control of acid or other mine water pollution resulting from active or abandoned mining operations and other environmental pollution affecting water quality within all or part of a watershed or river basin, including siltation from surface mining.

(12) Section 108 (33 U.S.C. 1258) authorizes grants for projects to demonstrate new methods and techniques, and to develop preliminary plans for the elimination or control of pollution within all or any part of the watersheds of the Great Lakes.

(13) Section 113 (33 U.S.C. 1263) authorizes grants for projects to demonstrate methods to provide for central community facilities for safe water and elimination or control of pollution in those native villages of Alaska without such facilities.

(c) The Public Health Service Act, as amended, 42 U.S.C. 241 et seq.

(1) Section 301 (42 U.S.C. 241, 242b, and 246) authorizes grants for research relating to the human and environmental effects of radiation.

(d) The Solid Waste Disposal Act, as amended, 42 U.S.C. 3251 et seq.

(1) Section 204 (42 U.S.C. 3253) authorizes grants for research and demonstration projects relating to new and improved methods of solid waste management.

(2) Section 205 (42 U.S.C. 3253a) authorizes grants for research and demonstration projects relating to the recovery of materials and energy from solid waste.

(3) Section 208 (42 U.S.C. 3254b) authorizes grants for the demonstration of resource recovery systems.

(e) The Federal Insecticide, Fungicide, and Rodenticide Act, as amended, Public Law 92-516.

(1) Section 20 authorizes grants for research in the pesticides areas with priority given to the development of biologically integrated alternatives for pest control.

(f) The Grant Act, 42 U.S.C. 1891 et seq., authorizes grants for basic scientific research.

§ 40.115 Definitions.

As used herein, the following words and terms shall have the meaning set forth below:

§ 40.115–1 Construction.

May include the preliminary planning to determine the economic and engineering feasibility of a facility, the engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary to the construction of a facility, the erection, acquisition, alteration, remodeling, improvement, or extension of a facility, and the inspection and supervision of the construction of a facility.

§ 40.115–2 Intermunicipal agency.

(a) Under the Clean Air Act, an agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

(b) Under the Solid Waste Disposal Act, an agency established by two or more municipalities with responsibility for planning or administration of solid waste disposal.

(c) In all other cases, an agency of two or more municipalities having substantial powers or duties pertaining to the control of pollution.

§ 40.115–3 Interstate agency.

(a) Under the Clean Air Act, an agency established by two or more States, or by two or more municipalities located in different States, having substantial powers or duties pertaining to the prevention and control of air pollution.

(b) Under the Federal Water Pollution Control Act, an agency of two or more States established by or pursuant to an agreement or compact approved by the Congress or any other agency of two or more States, having substantial powers or duties pertaining to the control of pollution of waters.

(c) Under the Solid Waste Disposal Act, an agency of two or more municipalities in different States, or an agency established by two or more States, with authority to provide for the disposal of solid wastes and serving two or more municipalities located in different States.

(d) In all other cases, an agency of two or more States having substantial powers or duties pertaining to the control of pollution.

§ 40.115–4 Municipality.

(a) Under the Federal Water Pollution Control Act a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, with jurisdiction over disposal of sewage, industrial wastes, or other wastes; or a designated and approved management agency under section 208 of the act.

(b) Under the Solid Waste Disposal Act, a city, town, borough, county, parish, district, or other public body created by or pursuant to State law, or an Indian tribe, with responsibility for the planning or administration of solid waste disposal.

(c) In all other cases, a city, town, borough, county, parish, district, or other public body created by or pursuant to State law, or an Indian tribe or an authorized Indian tribal organization, having substantial powers or duties pertaining to the control of pollution.

§ 40.115–5 Person.

Under the Federal Water Pollution Control Act, an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

§ 40.115–6 Recovered resources.

Materials or energy recovered from solid wastes.

§ 40.115–7 Resource recovery system.

A solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues.

§ 40.115–8 Solid waste.

Garbage, refuse, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents, dissolved materials in irrigation return flows, or other common water pollutants.

§ 40.115–9 Solid waste disposal.

The collection, storage, treatment, utilization, processing, or final disposal of solid waste.

§ 40.115–10 State.

(a) Under the Federal Water Pollution Control Act, 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.

(b) In all other cases, a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam and American Samoa.

§ 40.120 Determination of EPA research objectives.

To promote the most efficient utilization of available resources in the solution of national environmental problems, EPA has established a detailed planning system for the identification of research needs and priorities, definition of specific research objectives which will satisfy high priority needs, development of detailed plans to accomplish defined objectives, and selection of objectives and their accompanying accomplishment plans for implementation. Accomplishment plans are based upon the most effective funding mechanism available for meeting the defined objective. Funding mechanisms include grants, contracts, in-house projects and transfer of funds to other agencies. EPA grant awards are based upon the projected grant activities developed from this planning process. Research objectives and priorities are revised as needs change, but are comprehensively reviewed and revised annually.

§ 40.120–1 Environmental research need.

An integral part of this research planning process is a formal system for identifying environmental research needs and priorities. An environmental research need is an environmental problem which cannot be solved satisfactorily with existing technology or scientific knowledge and which requires a research or development effort to reach an effective solution. Federal, State, and local governmental agencies are encouraged to participate in the identification of environmental research needs.

§ 40.120–2 Need statements.

The environmental research need statement is the formal mechanism by which research needs are expressed and transmitted to EPA. The need statement is submitted as a way of identifying problems requiring a research solution rather than as a proposal for solving an environmental problem or an application for grant or contract assistance. The statement must define the specific problem to be solved, its extent and importance, the form of the solution needed, how and by whom the solution will be used, and the consequences of deferring solution to the problem. Participation in this evaluation and planning process may be accomplished by the submission of need statements through EPA Assistant or Regional Administrators or directly to the Office of Research and Monitoring.

§ 40.120–3 Publication of research objectives.

Each year EPA will publish the results of the research planning process identifying the research objectives to be pursued by the Agency and the approximate amount of funds available for grant and contract assistance. This publication is called "EXPRO" (Extramural Program Information) and may be obtained from the Environmental Protection Agency, Office of Research and Monitoring, or the Grants Administration Division, Washington, D.C. 20460.

§ 40.125 Grant limitations.

§ 40.125–1 Limitations on duration.

(b) No research or demonstration grant shall be approved for a project period in excess of 2 years except demonstration grants involving construction.

(a) No research or demonstration grant shal be approved for a project period in excess of 5 years except in cases where extensions of time without additional funds are appropriate.

§ 40.125–2 Limitations on assistance.

In addition to the cost-sharing requirements pursuant to 40 CFR 30.207, research and demonstration grants shall be governed by the specific assistance limitations listed below:

(a) *Federal Water Pollution Control Act.*—(1) Section 104(s)—no grant in any fiscal year may exceed $1 million.

(2) Sections 105(a), 105(c) and 108—no grant may exceed 75 percent of the allowable actual project costs.

(b) *Clean Air Act.*—(1) Section 104—no grant may exceed $1,500,000.

(c) *Solid Waste Disposal Act.*—(1) No grant may exceed 75 percent of the allowable actual project costs for demonstration grants.

(2) No more than 15 percent of the total funds authorized to be appropriated in any fiscal year to carry out the purposes of section 208 shall be granted under this section for projects in any one State. Grants to interstate agencies will be considered to be to the States involved in proportion to the amounts of non-Federal funds expended for the project by the participating States or by the participating municipalities located in the respective States.

(3) No more than 70 percent of the funds available for award in any fiscal year under section 208 shall be awarded for projects dealing with solid waste problems in the standard metropolitan statistical areas. The remaining 30 percent shall be reserved for projects dealing with such problems in rural areas. Notwithstanding this allocation, if an insufficient number of acceptable applications are received for projects designed to assist in solving the solid waste problems of rural areas the 70-percent figure may be exceeded.

(4) No grant under section 208 for the demonstration of a resource recovery system shall be made for operation and maintenance costs beyond the first year of operation of the system. The year will not begin until the constructed facility is deemed by the grants officer to be fully operational.

§ 40.130 Eligibility.

Except as otherwise provided below, grants for research and demonstration projects may be awarded to any responsible applicant in accordance with 40 CFR 30.304:

(a) The Clean Air Act, as amended—public or nonprofit private agencies, institutions, organizations, and to individuals.

(b) The Solid Waste Disposal Act, as amended.

(1) Sections 204 and 205—public or nonprofit private agencies, institutions, organizations, and to individuals.

(2) Section 208—only to State, municipal, interstate, and intermunicipal agencies.

(c) The Federal Insecticide, Fungicide, and Rodenticide Act, as amended—other Federal agencies, universities, or others as may be necessary to carry out the purposes of the act.

(d) The Federal Water Pollution Control Act, as amended:

(1) Section 104(b)—State water pollution control agencies, interstate agencies, other public or nonprofit private agencies, institutions, organizations, and to individuals.

(2) Sections 104(h) and 104(i)—public or private agencies and organizations and to individuals.

(3) Section 104(r)—colleges and universities.

(4) Section 104(s)—institutions of higher education.

(5) Sections 105(a), 105(e)(2), and 107—State, municipal, interstate, and intermunicipal agencies.

(6) Section 195(b)—State or States or interstate agency.

(7) Sections 105(c) and 105(e)(1)—persons.

(8) Section 108—State, political subdivision, interstate agency, or other public agency, or combination thereof.

(9) Section 113—only to the State of Alaska.

(e) The Public Health Service Act, as amended—only to nonprofit agencies, institutions, organizations, and to individuals.

§ 40.135 Application.

§ 40.135–1 Preapplication coordination.

(a) *All applicants.*—(1) Applicants for research and demonstration grants are encouraged to contact EPA for further information and assistance prior to submitting a formal application. The EPA regional office or the National Environmental Research Center nearest the applicant will be able to provide such assistance or to refer the applicant to an appropriate EPA representative.

(2) Applicants shall prepare an environmental assessment of the proposed project where applicable, outlining the anticipated impact on the environment pursuant to 40 CFR part 6.

(b) *Demonstration grants.*—(1) All applicants for demonstration grants, except Indian tribes and authorized Indian tribal organizations, must notify the planning and development clearinghouses of the State (or States) and region (if one exists) or metropolitan area in which the project is to be located of their intention to apply for Federal assistance. Applicants should contact the appropriate clearinghouse(s) for information and assistance concerning notification procedures.

(2) All comments and recommendations concerning the applications that are made by or through the clearinghouses, and a statement that such comments have been considered by the applicant, must be submitted with the application to EPA. If the requirements of OMB Circular A–95 are followed and no comments or recommendations are received, a statement to that effect must be included with the application.

§ 40.135–2 Application requirements.

All applications for research and demonstration grants shall be submitted in an original and 14 copies to the Environmental Protection Agency, Grants Administration Division, Washington, D.C. 20460, in accordance with 40 CFR 30.301 through 30.301–4.

(a) *Applications involving human subjects.*—(1) Safeguarding the rights and welfare of human subjects involved in projects supported by EPA grants is the responsibility of the institution which receives or is accountable to EPA for the funds awarded for the support of the project.

(2) Institutions must submit to EPA, for review, approval, and official acceptance, a written assurance of its com-

pliance with guidelines established by Department of Health, Education, and Welfare concerning protection of human subjects. However, institutions which have submitted and have had accepted, general assurance to DHEW under these guidelines will be considered as being in compliance with this requirement. These guidelines are provided in DHEW Publication No. (NIH) 72–102, the "Institutional Guide to DHEW Policy on Protection of Human Subjects." Copies of this publication are available from the Superintendent of Documents, U. S. Government Printing Office, Washington, D.C. 20420.

(3) Applicants must provide with each proposal involving human subjects a certification that it has been or will be reviewed in accordance with the institution's assurance. This certification must be renewed annually on the basis of continuing review of the supported project.

(b) *Applications involving laboratory animals.*—Each application for a project involving the use of warmblooded animals shall include a written assurance that the applicant has registered with the Department of Agriculture and is in compliance with the rules, regulations, and standards enunciated in the Animal Welfare Act, Public Law 89–544, as amended.

(c) *Notice of research project (NRP).*—Each application for research must include a summary (NRP) of proposed work (200 words or less) incorporating objectives, approach and current plans and/or progress. Upon approval of an application, summaries are forwarded to the Smithsonian Science Information Exchange. Summaries of work in progress are exchanged with government and private agencies supporting research and are forwarded to investigators who request such information.

(d) *Federal Water Pollution Control Act.*—(1) All applications for grants under section 105(a) must have been approved by the appropriate State water pollution control agency or agencies.

(2) All applications for grants under section 107, where the proposed project will be located in the Appalachian region, shall have been coordinated with the Appalachian Regional Commission for determination that such demonstration project is consistent with the objectives of the Appalachian Regional Development Act of 1965, as amended.

§ 40.140 Criteria for award.

In determining the desirability and extent of funding for a project and the relative merit of an application, consideration will be given to the following criteria:

§ 40.140–1 All applications.

(a) The relevancy of the proposed project to the objectives of the EPA research and demonstration program;

(b) The availability of funds within EPA;

(c) The technical feasibility of the project;

(d) The seriousness, extent, and urgency of the environmental problems toward which the project is directed;

(e) The anticipated public benefits to be derived from the project in relation to the costs of the project;

(f) The competency of the applicant's staff and the adequacy of the applicant's facilities and available resources;

(g) The degree to which the project can be expected to produce results that will have general application to pollution control problems nationwide;

(h) Whether the project is consistent with existing plans or ongoing planning for the project area at the State, regional, and local levels;

(i) The existence and extent of local public support for the project;

(j) Whether the proposed project is environmentally sound;

(k) Proposed cost sharing.

§ 40.140–2 Solid Waste Disposal Act.

In addition, consideration will be given to the following criteria:

(a) *All applications.*—(1) Whether the project will demonstrate and implement positive improvements in solid waste management;

(2) The extent to which the project emphasizes innovative financial and institutional arrangements for creation of a self-financed solid waste management system;

(3) The extent to which the use of Federal funds for capital expenditures is limited;

(4) The level of progress of the State solid waste management plan applicable to the applicant (e.g., progressing satisfactorily, completed and accepted by EPA, adopted by the State);

(5) Whether the project can be completed in a shorter time span than similar proposed projects.

(b) *Applications for grants under section 208.*—(1) Whether the application includes provision for the equitable distribution among users of all costs and revenues associated with the design, construction, operation, and maintenance of the proposed project;

(2) The financial participation and support of each participating unit of government;

(3) The soundness of the overall technical design and the system's component unit process;

(4) The economic viability of the system including analyses of available markets and purchase commitments for salable commodities;

(5) The experience and expertise of the operational and management personnel;

(6) Whether it is consistent with any guidelines for solid waste recovery collection, separation, and disposal systems which the Administrator may publish pursuant to section 208 of the Solid Waste Disposal Act;

(7) Whether it is consistent with a plan which meets the requirements for solid waste management planning set forth in section 207(b)(2) of the Solid Waste Disposal Act;

(8) Whether it will provide for substantial recovery of materials or energy or both from solid waste entering the system on an areawide basis;

(9) The extent to which it does not duplicate a resource recovery system that has already been developed and is operating in an effective manner in the area.

§ 40.140–3 Federal Water Pollution Control Act.

(1) All applications for grants under section 105(c) must provide evidence that the proposed project will contribute to the development or demonstration of a new or improved method of treating industrial wastes or otherwise preventing pollution by industry, which method shall have industrywide application;

(2) All applications for grants under section 113 must include provisions for community safe water supply systems, toilets, bathing and laundry facilities, sewage disposal facilities and programs relating to health and hygiene. Such projects must also be for the further purpose of developing preliminary plans for providing such safe water and such elimination or control of water pollution for all native villages in the State of Alaska.

§ 40.145 Supplemental grant conditions.

In addition to the EPA general grant conditions (app. A to subch. B of 40 CFR and 40 CFR, pt. 30, subpt. C), all grants are awarded subject to the following requirements:

(a) The project will be conducted in an environmentally sound manner.

(b) In addition to the notification of project changes required pursuant to 40 CFR 30.900–1, prior written approval by the grants officer is required for project changes which may (1) alter the approved scope of the project, (2) substantially alter the design of the project, or (3) increase the amount of Federal funds needed to complete the project. No approval or disapproval of a project change pursuant to 40 CFR 30.900 or this section shall commit or obligate the United States to an increase in the amount of the grant or payments thereunder, but shall not preclude submission or consideration of a request for a grant amendment pursuant to 40 CFR 30.901.

§ 40.145–1 Solid Waste Disposal Act.

Research and demonstration grants under the Solid Waste Disposal Act are awarded subject to the following conditions.

(a) Open burning of solid waste at all disposal sites within the jurisdiction (or jurisdictions) for which the applicant has authority for solid waste management, will be eliminated within 30 calendar days of the grant award;

(b) Open dumping (whether on land or in water) and open burning of solid waste are prohibited by a regulation, ordinance, statute, or other legal authority enforced within the jurisdiction in which the applicant has authority or

that action taken under the provisions of the grant will eliminate such practices.

§ 40.145–2 Federal Water Pollution Control Act.

(a) No person in the United States shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving assistance under the Act.

(b) Grants under section 107 are awarded subject to the conditions—(1) that the State shall acquire any land or interests therein necessary for such project to assure the elimination or control of acid or other mine water pollution; and (2) that the State shall provide legal and practical protection to the project area to insure against any activites which will cause future acid or other mine water pollution.

§ 40.145–3 Projects involving construction.

Research and demonstration grants for projects involving construction shall be subject to the following conditions:

(a) The applicant will demonstrate to the satisfaction of the grants officer that he has or will have a fee simple or such other estate or interest in the site of the project, and rights of access, as the grants officer finds sufficient to assure undisturbed use and possession for the purpose of construction and operation for the estimated life of the project; and in the case of projects serving more than one municipality, that the participating communities have such interests or rights as the grants officer finds sufficient to assure their undisturbed utilization of the project for the estimated life of the project.

(b) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used the specific features of the named brand which must be met by offerors should be clearly specified.

(c) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services.

(d) Subagreements for construction work may be negotiated when advertising for competitive bids is not feasible; however, the grantee must adequately demonstrate its need to contract with a single or sole source. All such subagreements are subject to prior approval by the grants officer.

(e) Construction work will be performed by the fixed-price (lump sum) or fixed-rate (unit price) method, or a combination of these two methods, unless the grants officer gives advance written approval to use some other method of contracting. The cost-plus-a-percentage-of-cost method of contracting shall not be used. Adequate methods of advertising for and obtaining competitive sealed bids will be employed prior to award of the construction contract. The award of the contract will be made to the responsible bidder submitting the lowest responsive bid, which shall be determined without regard to State or local law whereby preference is given on factors other than the specification requirements and the amount of bid. The grantee must promptly transmit to the grants officer copies of bid protests, decisions on such protests, and related correspondence. The grants officer will cause appropriate review of grantee procurement methods to be made.

(f) On construction contracts exceeding $100,000, each bidder must furnish a bid guarantee equivalent to 5 percent of the bid price. In addition, the contractor awarded the contract must furnish performance and payment bonds, each of which shall be in an amount not less than 100 percent of the contract price. Construction contracts less than $100,000 shall follow the State or local requirements relating to bid guarantees, performance bonds, and payment bonds.

(g) The construction of the project, including the letting of contracts in connection therewith, shall conform to the applicable requirements of State, territorial, and local laws and ordinances to the extent that such requirements do not conflict with Federal laws.

(h) The grantee will provide and maintain competent and adequate engineering supervision and inspection for the project to insure that the construction conforms with the approved plans and specifications.

(i) Any construction contract must provide that representatives of the Environmental Protection Agency and the State, as appropriate, will have access to the work whenever it is in preparation or progress and that the contractor will provide proper facilities for such access and inspection. The contract must also provide that the grants officer, the Comptroller General of the United States, or any authorized representative shall have access to any books, documents, papers, and records of the contractor which are pertinent to the project for the purpose of making audit, examination, excerpts, and transcriptions thereof.

(j) The grantee agrees to construct the project or cause it to be constructed in accordance with the application, plans and specifications, and subagreements approved by EPA in the grant agreement or amendments.

(k) In addition to the notification of project changes pursuant to 40 CFR 30.900–1, a copy of any construction contract or modifications thereof, and of revisions to plans and specifications must be submitted to the grants officer.

§ 40.150 Evaluation of applications.

Every application for a research or demonstration grant will be evaluated by appropriate EPA staff in terms of relevancy and the applicable criteria set forth in § 40.140. Only applications considered relevant to EPA research and demonstration objectives will receive further consideration and be subjected to additional review. Relevancy will be measured by program needs and priorities as defined in the Agency's current planned objectives. Relevancy, coupled with the results of technical review, will provide the basis for funding recommendations.

(a) *New applications.*—Applications considered relevant to EPA research and demonstration objectives will be reviewed for technical merit by at least one reviewer within EPA and at least two reviewers outside EPA. Review by a National Advisory Council is statutorily required for radiation grants.

(b) *Continuation applications.*—Continuation applications will be reviewed by appropriate EPA staff only. Recommendations for continuation of funding will be based on progress toward the accomplishment of the goals set forth for the project and continued Agency needs and priorities.

§ 40.155 Confidential data.

(a) Applicants submitting proposals containing confidential data should clearly indicate their desire for confidential treatment of such data by EPA. Confidential treatment will be rendered by EPA to the extent permissible under the Freedom of Information Act (5 U.S.C. 552) and EPA regulations promulgated pursuant thereto (40 CFR pt. 2).

(b) Each application containing data which the applicant desires to be held confidential and used by EPA for evaluation purposes only, shall be marked on the cover sheet with the following legend:

> Data contained in pages ____ through ____ of this application shall not be used or disclosed, except for evaluation purposes, unless such data is obtained from another source without restriction. If, however, a grant or contract is awarded as a result of or in connection with this application, the government shall have the unlimited right to duplicate, use or disclose such data for any purpose, unless otherwise provided in such grant or contract. Such data may be subject to disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552), and EPA regulations promulgated pursuant thereto (40 CFR p. 2).

(c) All information and data contained in the grant application will be subject to external review unless deviation is approved for good cause pursuant to 40 CFR 30.1001.

§ 40.160 Reports.

§ 40.160–1 Progress reports.

The grant agreement will normally require the submission of a brief progress report after the end of each quarter of the budget period. A monthly progress report may be required for some demonstration projects, if set forth in the grant agreement. Progress reports should fully describe in chart or narrative format the progress achieved in relation to the appoved schedule and project milestones. Special problems or delays encountered

must be explained. A summary progress report covering all work on the project to date is required to be included with applications for continuation grants (see § 40.165b). This report may be submitted one quarter prior to the end of the budget period.

§ 40.160–2 Report of project expenditures.

A written expenditures report for each budget period must be submitted to the grants officer within 90 days after the end of each budget period within the project period and within 90 days after completion of the project.

§ 40.160–3 Reporting of inventions.

As provided in appendix B of this subchapter, immediate and full reporting of all inventions to the Environmental Protection Agency is required. In addition:

(a) An annual invention statement is required with each continuation application.

(b) A final invention report is required within 90 days after completion of the project period.

(c) When a principal investigator changes institutions or ceases to direct a project, an invention statement must be promptly submitted with a listing of all inventions during his administration of the grant.

§ 40.160–4 Equipment report.

At the completion or termination of a project, the grantee will submit a listing of all items of equipment acquired with grant funds with an acquisition cost of $300 or more and having a useful life of more than 1 year.

§ 40.160–5 Final report.

The grantee shall submit a draft of the final report for review no later than 90 days prior to the end of the approved project period. The report shall document project activities over the entire period of grant support and shall describe the grantee's achievements with respect to stated project purposes and objectives. The report shall set forth in complete detail all technical aspects of the projects, both negative and positive, grantee's findings, conclusions, and results, including, as applicable, an evaluation of the technical effectiveness and economic feasibility of the methods or techniques investigated or demonstrated. The final report shall include EPA comment when required by the grants officer. Prior to the end of the project period, one reproducible copy suitable for printing and such other copies as may be stipulated in the grant agreement shall be transmitted to the grants officer.

§ 40.165 Continuation grants.

To be eligible for a continuation grant within the approved project period, the grantee must:

(a) Have demonstrated satisfactory performance during all previous budget periods; and

(b) Submit no later than 90 days prior to the end of the budget period a continuation application which includes a detailed summary progress report, an estimated financial statement for the current budget period, a budget for the new budget period; and an updated work plan revised to account for actual progress accomplished during the current budget period.

[FR Doc.73-9596 Filed 5-14-73;8:45 am]

3