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Title 3—The President

PROCLAMATION 4258

Proclamation Amending Part 3 of the Appendix to the Tariff Schedules of the United States With Respect to the Importation of Agricultural Commodities

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 22 of the Agricultural Adjustment Act, as amended (7 U.S.C. 624), limitations have been imposed by Presidential proclamations on the quantities of certain dairy products which may be imported into the United States in any quota year; and

WHEREAS the import restrictions proclaimed pursuant to said section 22 are set forth in part 3 of the Appendix to the Tariff Schedules of the United States; and

WHEREAS the Secretary of Agriculture has reported to me that he believes that additional quantities of Cheddar cheese, and cheese and substitutes for cheese containing, or processed from, Cheddar cheese provided for in item 950.08A of part 3 of the Appendix to the Tariff Schedules of the United States (TSUS) may be entered for a temporary period without rendering or tending to render ineffective, or materially interfering with, the price support program now conducted by the Department of Agriculture for milk or reducing substantially the amount of products processed in the United States from domestic milk; and

WHEREAS, under the authority of section 22, I have requested the United States Tariff Commission to make an investigation with respect to this matter; and

WHEREAS the Secretary of Agriculture has determined and reported to me that a condition exists with respect to such cheese provided for in item 950.08A of the TSUS which requires emergency treatment and that the quantitative limitation imposed on such cheese should be increased during the period ending March 31, 1974, without awaiting the recommendations of the United States Tariff Commission with respect to such action; and

WHEREAS I find and declare that the entry during the period ending March 31, 1974, of an additional quantity of 100,000,000 pounds of the cheese provided for in item 950.08A of the TSUS will not render or tend to render ineffective, or materially interfere with, the price support program which is being undertaken by the Department of Agriculture for milk and will not reduce substantially the amount of products processed in the United States from domestic milk; and that a condition exists which requires emergency treatment and that the quantitative limitation imposed on such cheese should be increased during such period without awaiting the recommendations of the United States Tariff Commission with respect to such action;

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that subdivision (vii) of headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is amended to read as follows:

(vii) Notwithstanding any other provision of this part, 100,000,000 pounds of the articles described in item 950.08A may be entered during the period beginning January 3, 1974, and ending March 31, 1974, in addition to the annual quota quantity specified for such articles under item 950.08A, and import licenses shall not be required for entering such additional quantity. No individual, partnership, firm, corporation, association, or other legal entity (including its affiliates or subsidiaries) may during such period enter pursuant to this provision an aggregate quantity of such articles in excess of 2,500,000 pounds. The 100,000,000 pound additional quota quantity authorized to be entered during the period ending March 31, 1974, shall be allocated among supplying countries as follows:

Supplying Country	*Quantity in pounds*
New Zealand	55,000,000
Australia	12,000,000
Other Countries	33,000,000

The additional quota quantity provided for herein shall continue in effect pending Presidential action upon receipt of the report and recommendations of the Tariff Commission with respect thereto.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of January in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred and ninety-eighth.

Richard Nixon

[FR Doc.74-511 Filed 1-2-74; 4:09 pm]

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Executive Office of the President—Special Action Office for Drug Abuse Prevention

Section 213.3103 is amended to show that after December 1, 1973, all positions on the staff of the Special Action Office for Drug Abuse Prevention not filled in the competitive service or under another authority are excepted under Schedule A. No one may serve under this authority after June 30, 1975.

Effective January 4, 1974, § 213.3103(f) is added as set out below.

§ 213.3103 Executive Office of the President.

* * * * *

(f) *Special Action Office for Drug Abuse Prevention.* (1) After December 1, 1973, all positions on the staff of the Special Action Office for Drug Abuse Prevention not filled in the competitive service or under another authority. No one may serve under this authority after June 30, 1975.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58, Comp. p. 218)

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

[FR Doc.74-314 Filed 1-3-74;8:45 am]

PART 315—CAREER AND CAREER-CONDITIONAL EMPLOYMENT

Appointment of Former Peace Corps and Vista Volunteers, and Conversion to Career Employment From Indefinite or Temporary Employment

The authority citation and §§ 315.605 and 315.801 are amended to implement Pub. L. 93–113, which gives certain former VISTA volunteers the same privilege of noncompetitive entry into the competitive civil service that former Peace Corps volunteers now have under conditions spelled out in E.O. 11103 and Civil Service Commission regulations. Section 315.703a is amended to delete obsolete references to the postal field service and to delete a provision already executed.

1. Effective on January 4, 1974, the Authority and §§ 315.605 and 315.806 are amended as set forth below.

AUTHORITY: 5 U.S.C. 1302, 3301, 3302, E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, unless otherwise noted. §§ 315.605 and 315.801(a)(6) also issued under Pub. L. 93–113 and E.O. 11103; 3 CFR, 1959–1963 Comp., p. 762, §§ 315.201(c)(3), 315.601 and 315.801(a)(3) interpret and apply 76 A Stat. 18; 2 C.Z.C. 149(c)(2), E.O. 9830; 3 CFR, 1943–1948 Comp., p. 606.

§ 315.605 Appointment of former Peace Corps and VISTA volunteers.

(a) *Agency authority.* Subject to the prior approval of the Commission, an agency in the executive branch may appoint non-competitively, for other than temporary employment, a person whom the Director of ACTION certifies as having served satisfactorily as a volunteer or volunteer leader under the Peace Corps Act (22 U.S.C. 2051 et seq.), or as a VISTA volunteer under the Economic Opportunity Act of 1964 (42 U.S.C. 2991 et seq.) or the Domestic Volunteer Service Act of 1973 (P.L. 93–113). To be qualifying under this section, VISTA service must total at least 1 year.

(b) *Time limit.* An agency in the executive branch may make an appointment under this section only within 1 year after the person completes the qualifying service. However, an agency may extend the period for 2 more years to a total of 3 years if the person, after the qualifying service, is:

(1) In the military service;

(2) Studying at a recognized institution of higher learning; or

(3) In another activity which, in the agency's view, warrants extension.

(c) *Conditions.* Any law, Executive order, or regulation that disqualifies an applicant for appointment also disqualifies an applicant for appointment under this section.

(d) *Tenure on appointment.* (1) Except as provided in subparagraph (2) of this paragraph, a person appointed under paragraph (a) of this section becomes a career-conditional employee.

(2) A person appointed under paragraph (a) or this section becomes a career employee if excepted from the service requirement for career tenure by section 315.201(c).

(e) *Acquisition of competitive status.* A person appointed under paragraph (a) of this section acquires a competitive status automatically on completion of probation.

2. Effective on January 4, 1974: § 315.703a is amended as follows: Paragraph (b) is deleted; paragraph (c) is redesignated (b) and amended as set forth below; paragraph (d) is redesignated (c); and paragraph (e) is redesignated (d) and amended as set forth below.

§ 315.703a Conversion to career employment from indefinite or temporary employment.

(a) *General.* An employee serving after February 7, 1968, in a competitive position under an indefinite appointment or a temporary appointment pending establishment of a register or as a status quo employee acquires competitive status and is entitled to have his employment converted to career employment when:

(1) He completes a total of at least three years of service in such a position under one or more such appointments without a break in service of more than 30 calendar days or without an interruption by nonqualifying service of more than 30 calendar days;

(2) The appointing authority (i) recommends to the Commission that his employment be converted to career employment and (ii) certifies to the Commission that his work performance for the past 12 months has been satisfactory;

(3) He passes a suitable noncompetitive examination; and

(4) He meets Commission qualification requirements for the position and is otherwise eligible for career employment.

This paragraph does not apply to an employee serving under an overseas limited appointment or above GS–15.

(b) *Creditable service.* (1) In computing creditable service under paragraph (a) of this section for an employee who left a competitive position in which he was serving under a qualifying appointment covered in paragraph (a) of this section to enter the armed forces and who is reemployed in such a position within 120 calendar days after separation under honorable conditions, the period from the date he left his position to the date he is reemployed is creditable.

(2) The Commission shall publish in the Federal Personnel Manual the conditions under which full-time, part-time, and intermittent employment is creditable in meeting the service requirement under paragraph (a) of this section.

(c) *Termination after failure to meet conversion requirements.* An employing agency shall terminate an employee covered by paragraph (a) of this section not later than 90 days after he completes the 3-year service requirement referred to in paragraph (a)(1) of this section, if he has not met the requirements and conditions of paragraph (a)(2) through (4) of this section before the end of the 90-day period. For an employee who is reemployed after intervening service in the armed forces, the 90-day period begins on the date of reemployment if his combined civilian and military service

satisfies the 3-year service requirement on that date.

(d) *Administrative error.* When an employee has met the service requirement under paragraph (a)(1) of this section but a timely recommendation has not been made for conversion of his appointment under this section, the Commission may, within its discretion, on a showing that the employing agency failed to recommend him because of administrative error or oversight, authorize the employing agency to recommend him for conversion as of the date on which he met the service requirement.

(5 U.S.C. 3304a)

3. Effective on January 4, 1974, § 315.801 is amended as set forth below.

§ 315.801 Probationary period; when required.

(a) The first year of service of an employee who is given a career or career-conditional appointment under this part is a probationary period when the employee:

* * * * *

(6) Was appointed under section 315.605 as a former Peace Corps volunteer or volunteer leader or as a VISTA volunteer.

* * * * *

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

[FR Doc.74-313 Filed 1-3-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

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

Buquinolate and Bacitracin Methylene Disalicylate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (35-329V) filed by Norwich Agricultural Products, Division of Morton-Norwich Products, Inc., Norwich, NY 13815, proposing an amendment to the regulations to provide for use of buquinolate and bacitracin methylene disalicylate in broiler chicken feed for prevention of coccidiosis and for increased rate of weight gain. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)); and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.34 is amended in the table in paragraph (f) by adding a new item 7 as follows:

§ 135e.34 Buquinolate.

* * * * *

(f) *Conditions of use.* * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
7. Buquinolate.	100 (0.011%)	Bacitracin	4-15	For broiler or fryer chickens; feed continuously as the sole ration; as bacitracin methylene disalicylate as provided by sponsor No. 028, see § 135.501(c) of this chapter.	An aid in the prevention of coccidiosis caused by *E. tenella, E. maxima, E. necatrix, E. brunetti,* and *E. acervulina;* increased rate of weight gain.

Effective date. This order shall be effective January 4, 1974.

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

Dated: December 21, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-142 Filed 1-3-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7301]

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

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Capital Losses

By notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 23 and November 17, 1971 (36 F.R. 20517, 21894), amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 165, 246, 381, 491, 1211, 1212, 1222, 1314, 6411, 6501, 6511, 6601 and 6611 of the Internal Revenue Code of 1954 were proposed in order to revise the rules applicable to the deductibility of capital losses and for other purposes. These proposed amendments would reflect the amendment of the Internal Revenue Code by sections 512 and 513 of the Tax Reform Act of 1969 (83 Stat. 638, 642) relating to capital losses and various other statutory amendments relating to procedure and administration. Also, by a notice of proposed rulemaking appearing in the FEDERAL REGISTER for October 3, 1972 (37 F.R. 20700), amendments to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6411, 6501, 6511, 6601 and 6611 of the Internal Revenue Code of 1954 were proposed in order to revise certain of the regulations relating to procedure and administration rules pertaining to the credit for certain expenses incurred in work incentive programs. The substantive rules relating to the credit for certain expenses incurred in work incentive programs are the subject of another Treasury decision. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are adopted by this document, subject to certain changes of a relatively minor nature.

In the case of losses sustained in taxable years beginning after December 31, 1969, in the case of individuals, only 50 percent of the excess of loss from the sale or exchange of capital assets held for longer than six months over the gain from the sale or exchange of capital assets held for six months or less may be deducted from ordinary income. However, a net capital loss deduction is generally subject to a maximum of $1,000. Any such excess loss sustained in taxable years beginning before January 1, 1970, which is carried forward into taxable years beginning after 1969 (because it exceeds the $1,000 maximum) may still be deducted in full. Section 1.1211-1(b) of the amendment to the regulations provides rules for determining the deduction in taxable years beginning after December 31, 1969, where losses sustained before 1970 and losses sustained after 1969 are involved. A net capital loss attributable to sales or exchanges of capital assets held for six months or less may still be deducted in full subject to the $1,000 limitation discussed below.

The $1,000 maximum amount of an allowable deduction for a net capital loss has not been changed except in the case of a married person who files a separate return. As under prior law, corporations are not allowed a deduction against ordinary income for a net capital loss. Section 1.1212-1(b) of the amendment to the regulations provides the new rules for determining the amount of a capital loss carryover.

Effective for taxable years beginning after December 31, 1969, married persons filing separate returns may only deduct a net capital loss up to $500 rather than the $1,000 applicable to taxable years beginning before January 1, 1970. However, the $1,000 limit applies in taxable years beginning after 1969 to the extent losses sustained in taxable years beginning before 1970 are involved. Section 1.1211-1(b)(7) of the amendment to the regulations provides rules for applying the $500 and $1,000 limits to taxable years beginning after 1969 where both losses sustained after 1969 and losses sustained before 1970 are involved.

The Tax Reform Act of 1969 allows corporations to carry back a net capital loss to the three taxable years preceding the taxable year in which the loss was sustained. Prior law did not allow corporations a capital loss carryback but only a carryover of 5 years. To be eligible for the new carryback provisions, the net capital loss must be sustained in a taxable year beginning after December 31,

1969. Under § 1.1212–1(a)(3) of the amendment to the regulations hereby adopted, if a corporation has a capital loss carryback to a taxable year to which a net operating loss has also been carried, the corporation must use the capital loss first to offset a net capital gain sustained in the taxable year to which the loss is carried, and then apply the net operating loss deduction to the extent it may be applied under section 172 and the regulations thereunder.

Form 4798, Capital Loss Carryover, is to be used by individuals to compute a capital loss carryover. This form is available at local IRS offices.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

On October 23 and November 17, 1971, notice of proposed rule making with respect to the Income Tax Procedure (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 165, 246, 381, 481, 535, 1211, 1212, 1222, 1314, 6411, 6501, 6511, 6601, and 6611 of the Internal Revenue Code of 1954 to conform such regulations to sections 214(b)(2), 230(a), and 232(d)(4) of the Revenue Act of 1964 (78 Stat. 55, 99, 111), section 23(a) of the Act of February 26, 1964 (Pub. L. 88–272, 78 Stat. 19), section 3(b), (c), (d), and (e) and 7(a) of the Act of September 2, 1964 (Pub. L. 88–581, 78 Stat. 857, 858, 861), sections 2(b) and (f) and 3(a) of the Act of November 2, 1966 (Pub. L. 89–721, 80 Stat. 1150, 1151), section 2(b), (c), (d), (e), and (f) of the Act of December 27, 1967 (Pub. L. 90–225, 81 Stat. 731, 732), and sections 512 and 513 of the Tax Reform Act of 1969 (83 Stat. 638, 642), relating to capital losses, was published in the FEDERAL REGISTER (36 FR 20517, 21894). Also, on October 3, 1972, notice of proposed rulemaking with respect to the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) under sections 6411, 6501, 6511, 6601, and 6611 of the Internal Revenue Code of 1954 to conform such regulations to section 601(d) and (e) of the Revenue Act of 1971 (85 Stat. 558), relating to the credit for certain expenses incurred in work incentive programs, was published in the FEDERAL REGISTER (37 FR 20700). After consideration of all relevant matter presented by interested persons regarding the proposed rules, the amendment of regulations is hereby adopted, subject to the changes set forth below.

PARAGRAPH 1. Paragraph (b) of § 1.1211–1 as set forth in paragraph 10 of the appendix to the notice of proposed rulemaking published on October 23 and November 17, 1971, is amended by revising so much of subdivision (iv) of subparagraph (3) as follows (b), by revising subdivision (v) of subparagraph (3) to correct a typographical error, by revising examples (3), (4), (7), and (9) of subparagraph (8), and by adding a heading to subparagraph (8). These added and revised provisions read as set forth:

PAR. 2. Paragraph (b) of § 1.1212–1, as set forth in paragraph 12 of the appendix to the notice of proposed rulemaking published on October 23 and November 17, 1971, is amended by revising the heading of subparagraph (4), by revising the third paragraph of example (5) and the second paragraph of example (7) of subparagraph (5) to correct typographical errors, and by adding a heading to subparagraph (5). These revised and added provisions read as set forth below.

PAR. 3. Section 301.6511(d), as set forth in paragraph 33 of the appendix to the notice of proposed rulemaking published October 23, 1971, is amended by revising the historical note to read as set forth below.

PAR. 4. Paragraph (b) of § 301.6511(d)–2, as set forth in paragraph 34 of the appendix to the notice of proposed rulemaking published October 23, 1971, is designated subparagraph (1) to read as set forth below.

PAR. 5. Paragraph (j) of § 301.6611–1, as set forth in paragraph 39 of the appendix to the notice of proposed rulemaking published October 23, 1971, is amended to read as set forth below.

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

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

Approved: December 27, 1973.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. Paragraph (c)(3) of § 1.165–1 is amended to read as follows:

§ 1.165–1 Losses.

* * * * *

(c) *Amount deductible.* * * *

(3) A loss from the sale or exchange of a capital asset shall be allowed as a deduction under section 165(a) but only to the extent allowed in section 1211 (relating to limitation on capital losses) and section 1212 (relating to capital loss carrybacks and carryovers), and in the regulations under those sections.

* * * * *

PAR. 2. Section 1.246–2 is amended by revising paragraph (a) to read as follows:

§ 1.246–2 Limitation on aggregate amount of deductions.

(a) *General rule.* The sum of the deductions allowed by sections 243(a)(1) (relating to dividends received by corporations), 244(a) (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), except as provided in section 246(b)(2) and in paragraph (b) of this section, is limited to 85 percent of the taxable income of the corporation. The taxable income of the corporation for this purpose is computed without regard to the net operating loss deduction allowed by section 172, the deduction for dividends paid on certain preferred stock of public utilities allowed by section 247, any capital loss carryback under section 1212(a)(1), and the deductions provided in sections 243(a)(1), 244(a), and 245. For definition of the term "taxable income", see section 63.

* * * * *

PAR. 3. Section 1.381(b) is amended by revising paragraph (3) of section 381(b) and the historical note to read as follows:

§ 1.381 Statutory provisions; carryovers in certain corporate acquisitions; operating rules.

SEC. 381. *Carryovers in certain corporate acquisitions.* * * *

(b) *Operating rules.* * * *

(3) The corporation acquiring property in a distribution or transfer described in subsection (a) shall not be entitled to carry back a net operating loss or a net capital loss for a taxable year ending after the date of distribution or transfer to a taxable year of the distributor or transferor corporation.

[Sec. 381(b) as amended by sec. 512(c), Tax Reform Act 1969 (83 Stat. 639)]

PAR. 4. Section 1.481 is amended by revising paragraph (3)(A) of section 481(b) and the historical note to read as follows:

§ 1.481 Statutory provisions; adjustments required by changes in method of accounting.

SEC. 481. *Adjustments required by changes in method of accounting.* * * *

(b) *Limitation on tax where adjustments are substantial.* * *

(3) *Special rules for computations under paragraphs (1) and (2).* For purposes of this subsection—

(A) There shall be taken into account the increase or decrease in tax for any taxable year preceding the year of the change to which no adjustment is allocated under paragraph (1) or (2) but which is affected by a net operating loss (as defined in section 172) or by a capital loss carryback or carryover (as defined in section 1212), determined with reference to taxable years with respect to which adjustments under paragraph (1) or (2) are allocated.

* * * * *

[Sec. 481 as amended by sec. 29, Technical Amendments Act 1958 (72 Stat. 1626); sec. 512(f)(4), Tax Reform Act 1969 (83 Stat. 641)]

PAR. 5. Section 1.481–2 is amended by revising paragraphs (c)(2) and (3)(iii) to read as follows:

§ 1.481–2 Limitation on tax.

* * * * *

(c) *Rules for computation of tax.* * * *

(2) The next step is to compute under section 481(b)(1) the tax attributable to the adjustments referred to in subparagraph (1) of this paragraph for the taxable year of the change and the two preceding taxable years as if an amount equal to one-third of the net amount of such adjustments had been received or accrued in each of such taxable years. The increase in tax attributable to the adjustments for each such taxable year is the excess of the tax for such year computed with the allocation of one-third of the net adjustments to such taxable year over the tax computed without the allocation of any part of the adjustments to such year. For the purpose of computing the aggregate increase in taxes for such taxable years, there shall be taken into account the increase or de-

crease in tax for any taxable year preceding the taxable year of the change to which no adjustment is allocated under section 481(b)(1) but which is affected by a net operating loss under section 172 or by a capital loss carryback or carryover under section 1212, determined with reference to taxable years with respect to which adjustments under section 481(b)(1) are allocated.

* * * * *

(3) * * *

(iii) Any taxable year preceding the taxable year of the change to which no adjustment is allocated under section 481(b)(2), but which is affected by a net operating loss or by a capital loss carryback or carryover determined with reference to taxable years with respect to which such adjustments are allocated.

PAR. 6. Section 1.535 is amended by revising paragraphs (6) and (7) of section 535(b) and the historical note to read as follows:

§ 1.535 Statutory provisions; accumulated taxable income.

SEC. 535. *Accumulated taxable income.* * * *

(b) *Long-term capital gains.* There shall be allowed as a deduction the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (determined without regard to the capital loss carryback or carryover provided in section 1212) minus the taxes imposed by this subtitle attributable to such excess. The taxes attributable to such excess shall be an amount equal to the difference between—

(A) The taxes imposed by this subtitle (except the tax imposed by this part) for such year, and

(B) Such taxes computed for such year without including in taxable income the excess of the net long-term capital gain for the taxable year over the net short-term capital loss for such year (determined with regard to the capital loss carryback or carryover provided in section 1212).

(7) *Capital loss.* No allowance shall be made for the capital loss carryback or carryover provided in section 1212.

* * * * *

[Sec. 535 as amended by sec. 31, Technical Amendments Act 1958 (72 Stat. 1631); sec. 205, Small Business Tax Revision Act 1958 (72 Stat. 1680); sec. 9(d)(2), Rev. Act 1962 (76 Stat. 1001); secs. 401(b)(2)(C) and 512(f)(5), Tax Reform Act 1969 (83 Stat. 602, 641)]

PAR. 7. Section 1.535–2 is amended by revising paragraph (g) to read as follows:

§ 1.535–2 Adjustments to taxable income.

(g) *Capital loss carrybacks and carryovers.* Capital losses carried to a taxable year under section 1212(a) shall have no application for purposes of computing accumulated taxable income for such year.

PAR. 8. Section 1.1211 is amended by revising subsection (b) of section 1211 and by adding a historical note. The amended and added provisions read as follows:

§ 1.1211 Statutory provisions; limitation on capital losses.

SEC. 1211. *Limitation on capital losses.* * * *

(b) *Other taxpayers*—(1) *In general.* In the case of a taxpayer other than a corporation, losses from sales or exchanges of capital assets shall be allowed only to the extent of the gains from such sales or exchanges, plus (if such losses exceed such gains) whichever of the following is smallest:

(A) The taxable income for the taxable year

(B) $1,000, or

(C) The sum of—

(i) The excess of the net short-term capital loss over the net long-term capital gain, and

(ii) One-half of the excess of the net long-term capital loss over the net short-term capital gain.

(2) *Married individuals.* In the case of a husband or wife who files a separate return, the amount specified in paragraph (1)(B) shall be $500 in lieu of $1,000.

(3) *Computation of taxable income.* For purposes of paragraph (1), taxable income shall be computed without regard to gains or lossess from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. If the taxpayer elects to pay the optional tax imposed by section 3, "taxable income" as used in this subsection shall read as "adjusted gross income".

[Sec. 1211 as amended by sec. 513(a), Tax Reform Act 1969 (83 Stat. 642)]

PAR. 9. Section 1.1211–1 is amended to read as follows:

§ 1.1211–1 Limitation on capital losses.

(a) *Corporations*—(1) *General rule.* In the case of a corporation, there shall be allowed as a deduction an amount equal to the sum of—

(i) Losses sustained during the taxable year from sales or exchanges of capital assets, plus

(ii) The aggregate of all losses sustained in other taxable years which are treated as a short-term capital loss in such taxable year pursuant to section 1212(a)(1),

but only to the extent of gains from such sales or exchanges of capital assets in such taxable year.

(2) *Banks.* See section 582(c) for modification of the limitation under section 1211(a) in the case of a bank, as defined in section 581.

(b) *Taxpayers other than corporations*—(1) *General rule.* In the case of a taxpayer other than a corporation, there shall be allowed as a deduction an amount equal to the sum of—

(i) Losses sustained during the taxable year from sales or exchanges of capital assets, plus

(ii) The aggregate of all losses sustained in other taxable years which are treated either as a short-term capital loss or as a long-term capital loss in such taxable year pursuant to section 1212(b), but only to the extent of gains from sales or exchanges of capital assets in such taxable year, plus (if such losses exceed such gains) the additional allowance or transitional additional allowance deductible under section 1211(b) from ordinary income for such taxable year. The additional allowance deductible under section 1211(b) shall be determined by application of subparagraph (2) of this paragraph, and the transitional additional allowance by application of subparagraph (3) of this paragraph.

(2) *Additional allowance.* Except as otherwise provided by subparagraph (3) of this paragraph, the additional allowance deductible under section 1211(b) for taxable years beginning after December 31, 1969, shall be the least of—

(i) The taxable income for the taxable year,

(ii) $1,000, or

(iii) The sum of the excess of the net short-term capital loss over the net long-term capital gain, plus one-half of the excess of the net long-term capital loss over the net short-term capital gain.

(3) *Transitional additional allowance*—(i) *In general.* If, pursuant to the provisions of § 1.1212–1(b) and subdivision (iii) of this subparagraph, there is carried to the taxable year from a taxable year beginning before January 1, 1970, a long-term capital loss, and if for the taxable year there is an excess of net long-term capital loss over net short-term capital gain, then, in lieu of the additional allowance provided by subparagraph (2) of this paragraph, the transitional additional allowance deductible under section 1211(b) shall be the least of—

(*a*) The taxable income for the taxable year,

(*b*) $1,000, or

(*c*) The sum of the excess of the net short-term capital loss over the net long-term capital gain; that portion of the excess of the net long-term capital loss over the net short-term capital gain computed as provided in subdivision (ii) of this subparagraph; plus one-half of the remaining portion of the excess of the net long-term capital loss over the net short-term capital gain.

(ii) *Computation of specially treated portion of excess long-term capital loss over net short-term capital gain.* In determining the transitional additional allowance deductible as provided by this subparagraph, there shall be applied thereto in full on a dollar-for-dollar basis the excess of net long-term capital loss over net short-term capital gain (computed with regard to capital losses carried to the taxable year) to the extent that the long-term capital losses carried to the taxable year from taxable years beginning before January 1, 1970, as provided by § 1.1212–1(b) and subdivision (iii) of this subparagraph, exceed the sum of (*a*) the portion of the net capital gain actually realized in the taxable year (i.e., computed without regard to capital losses carried to the taxable year) which consists of net long-term capital gain actually realized in the taxable year, plus (*b*) the amount by which the portion of the net capital gain actually realized in the taxable year (i.e., computed without regard to capital losses carried to the taxable year) which consists of net short-term capital gain actually realized in the taxable year exceeds the total of short-term capital losses carried to the taxable year from taxable years beginning before January 1, 1970, as provided by § 1.1212–1(b) and subdivision (iv) of this subparagraph. The amount by which

the net long-term capital losses carried to the taxable year from taxable years beginning before January 1, 1970, exceeds the sum of (*a*) plus (*b*) shall constitute the "transitional net long-term capital loss component" for the taxable year for the purpose of this subparagraph.

(iii) *Carryover of certain long-term capital losses not utilized in computation of transitional additional allowance.* If for a taxable year beginning after December 31, 1969, the transitional net long-term capital loss component determined as provided in subdivision (ii) of this subparagraph exceeds the amount of such component applied to the transitional additional allowance for the taxable year as provided by subdivision (i) of this subparagraph and subparagraph (4)(ii) of this paragraph, then such excess shall for the purposes of this subparagraph be carried to the succeeding taxable year as long-term capital losses from taxable years beginning before January 1, 1970, for utilization in the computation of the transitional additional allowance in the succeeding taxable year as provided in subdivisions (i) and (ii) of this subparagraph. In no event, however, shall the amount of such component carried to the following taxable year as otherwise provided by this subdivision exceed the total of net long-term capital losses actually carried to such succeeding taxable year pursuant to section 1212(b) and § 1.1212–1(b).

(iv) *Carryover of certain short-term capital losses not utilized in computation of additional allowance or transitional additional allowance.* If for a taxable year beginning after December 31, 1969, the total short-term capital losses carried to such year from taxable years beginning before January 1, 1970, as provided by § 1.1212–1(b) and this subdivision exceed the sum of—

(*a*) The portion of the net capital gain actually realized in the taxable year (i.e., computed without regard to capital losses carried to the taxable year) which consists of net short-term capital gain actually realized in the taxable year, plus

(*b*) The amount by which the portion of the net capital gain actually realized in the taxable year (i.e., computed without regard to capital losses carried to the taxable year) which consists of net long-term capital gain actually realized in the taxable year exceeds the total long-term capital losses carried to the taxable year from taxable years beginning before January 1, 1970, as provided in § 1.1212–1(b) and subdivision (iii) of this subparagraph,

then such excess shall constitute the "transitional net short-term capital loss component" for the taxable year, and to the extent such component also exceeds the net short-term capital loss applied to the additional allowance (as provided in subparagraphs (2) and (4)(i) of this paragraph) or the transitional additional allowance (as provided by subdivision (i) of this subparagraph and subparagraph (4)(i) of this paragraph) for the taxable year shall be carried to the succeeding taxable year as short-term capital losses from taxable years beginning before January 1, 1970, for utilization in such succeeding taxable year in the computation of the additional allowance (as provided by subparagraph (2) of this paragraph) or the transitional additional allowance (as provided by subdivision (i) and (ii) of this subparagraph). In no event, however, shall the amount of such component so carried to the following taxable year as otherwise provided by this subdivision exceed the total of net short-term capital losses actually carried to such succeeding taxable year pursuant to section 1212(b) and § 1.1212–1(b).

(*v*) *Scope of rules.* The rules provided by this subparagraph are for the purpose of computing the amount of the transitional additional allowance deductible for the taxable year pursuant to the provisions of section 1212(b)(3) and this subparagraph. More specifically, their operation permits the limited use of a long-term capital loss carried to the taxable year from a taxable year beginning before December 31, 1969, in full on a dollar-for-dollar basis in computing the transitional additional allowance deductible for the taxable year. These rules have no application to, or effect upon, a determination of the character or amount of net capital gains and losses reportable in the taxable year. See paragraph (b)(1) of this section and § 1.1212–1 for the determination of the amount and character of capital gains and losses reportable in the taxable year. Further, except to the extent that their application may affect the amount of the transitional additional allowance deductible for the taxable year and thus the amount to be treated as short-term capital loss for carryover purposes under section 1212(b) and § 1.1212–1(b)(2), these rules have no effect upon a determination of the character or amount of capital losses carried to or from the taxable year pursuant to section 1212(b) and § 1.1212–1(b).

(4) *Order of application of capital losses to additional allowance or transitional additional allowance.* In applying the excess of the net short-term capital loss over the net long-term capital gain and the excess of the net long-term capital loss over the net short-term capital gain to the additional allowance or transitional additional allowance deductible under section 1211(b) and this paragraph, such excesses shall, subject to the limitations of subparagraph (2) or (3) of this paragraph, be used in the following order:

(i) First, there shall be applied to the additional allowance or transitional additional allowance the excess, if any, of the net short-term capital loss over the net long-term capital gain.

(ii) Second, if such transitional additional allowance exceeds the amount so applied thereto as provided in subdivision (i) of this subparagraph, there shall next be applied thereto as provided in subparagraph (3) of this paragraph the excess, if any, of the net long-term capital loss over the net short-term capital gain to the extent of the transitional net long-term capital loss component for the taxable year computed as provided by subdivision (ii) of subparagraph (3) of this paragraph.

(iii) Third, if such additional allowance or transitional additional allowance exceeds the sum of the amounts so applied thereto as provided in subdivisions (i) and (ii) of this subparagraph, there shall be applied thereto one-half of the balance, if any, of the excess net long-term capital loss not applied pursuant to the provisions of subdivision (ii) of this subparagraph.

(5) *Taxable years beginning prior to January 1, 1970.* For any taxable year beginning prior to January 1, 1970, subparagraphs (2) and (3) of this paragraph shall not apply and losses from sales or exchanges of capital assets shall be allowed as a deduction only to the extent of gains from such sales or exchanges, plus (if such losses exceed such gains) the taxable income of the taxpayer or $1,000, whichever is smaller.

(6) *Special rules.* (i) For purposes of section 1211(b) and this paragraph, taxable income is to be computed without regard to gains or losses from sales or exchanges of capital assets and without regard to the deductions provided in section 151 (relating to personal exemptions) or any deduction in lieu thereof. For example, the deductions available to estates and trusts under section 642(b) are in lieu of the deductions allowed under section 151, and, in the case of estates and trusts, are to be added back to taxable income for the purposes of section 1211(b) and this paragraph.

(ii) In case the tax is computed under section 3 and the regulations thereunder (relating to optional tax tables for individuals), the term "taxable income" as used in section 1211(b) and this paragraph shall be read as "adjusted gross income."

(iii) In the case of a joint return, the limitation under section 1211(b) and this paragraph, relating to the allowance of losses from sales or exchanges of capital assets, is to be computed and the net capital loss determined with respect to the combined taxable income and the combined capital gains and losses of the spouses.

(7) *Married taxpayers filing separate returns*—(i) *In general.* In the case of a husband or a wife who files a separate return for a taxable year beginning after December 31, 1969, the sum of $1,000 specified in subdivisions (ii) and (i)(b) of subparagraphs (2) and (3), respectively, of this paragraph shall instead be $500.

(ii) *Special rule.* If, pursuant to the provisions of § 1.1212–1(b) and subparagraph (3)(iii) or (iv) of this paragraph there is carried to the taxable year from a taxable year beginning before January 1, 1970, a short-term capital loss or a long-term capital loss, the $500 specified in subdivision (i) of this subparagraph shall instead be an amount not in excess of $1,000, equal to $500 plus the total of the transitional net long-

term capital loss component for the taxable year computed as provided by subparagraph (3)(ii) of this paragraph and the transitional net short-term capital loss component for the taxable year computed as provided by subparagraph (3)(iv) of this paragraph.

(8) *Examples.* The provisions of section 1211(b) may be illustrated by the following examples:

Example (1). A, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1970:

Taxable income exclusive of capital gains and losses		$4,400
Deduction provided by section 151		625
Taxable income for purposes of section 1211(b)		5,025
Long-term capital gain	$1,200	
Long-term capital loss	(5,300)	
Net long-term capital loss	(4,100)	
Losses to the extent of gains	(1,200)	
Additional allowance deductible under section 1211(b)		1,000

The net long-term capital loss of $4,100 is deductible in 1970 only to the extent of an additional allowance of $1,000 which is smaller than the taxable income of $5,025. Under section 1211(b) and subparagraph (2) of this paragraph, $2,000 of excess net long-term capital loss was required to produce the $1,000 additional allowance. Therefore, a net long-term capital loss of $2,100 ($4,100 minus $2,000) is carried over under section 1212(b) to the succeeding taxable year.

Example (2). B, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1970:

Taxable income exclusive of capital gains and losses		$90
Deduction provided by section 151		625
Taxable income for purposes of section 1211(b)		715
Long-term capital gain	$1,200	
Long-term capital loss	(5,200)	
Net long-term capital loss	(4,000)	
Losses to the extent of gains	(1,200)	
Additional allowance deductible under section 1211(b)		715

The net long-term capital loss of $4,000 is deductible in 1970 only to the extent of an additional allowance of $715, since the $715 of taxable income for purposes of section 1211(b) is smaller than $1,000. Under section 1211(b) and subparagraph (2) of this paragraph, $1,430 of net long-term capital loss was required to produce the $715 additional allowance. Therefore, a net long-term capital loss of $2,570 ($4,000 minus $1,430) is carried over under section 1212(b) of the succeeding taxable year. For illustration of the result if the net capital loss for the taxable year is smaller than both $1,000 and taxable income for the purposes of section 1211(b), see examples (3) and (4) of this subparagraph. For carryover of a net capital loss, see § 1.1212–1.

Example (3). A, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1971:

Taxable income exclusive of capital gains and losses		$13,300
Deduction provided by section 151		675
Taxable income for purposes of section 1211(b)		13,975
Long-term capital gain	$400	
Long-term capital loss	(600)	
Net long-term capital loss	(200)	
Short-term capital gain	900	
Short-term capital loss	(1,400)	
Net short-term capital loss	(500)	
Losses to extent of gains	(1,300)	
Additional allowance deductible under section 1211(b)		600

The $600 additional allowance deductible under section 1211(b) is the least of: (i) taxable income of $13,975, (ii) $1,000, or (iii) the sum of the excess of the net short-term capital loss of $500 over the net long-term capital gain, plus one-half of the excess of the net long-term capital loss of $200 over the net short-term capital gain. The $600 additional allowance, therefore, consists of the net short-term capital loss of $500, plus $100 (one-half of the net long-term capital loss of $200), the total of which is smaller than both $1,000 and taxable income for purposes of section 1211(b). No amount of net capital loss remains to be carried over under section 1212(b) to the succeeding taxable year since the entire amount of the net short-term capital loss of $500 plus the entire amount of the net long-term capital loss of $200 required to produce $100 of the deduction was absorbed by the additional allowance deductible under section 1211(b) for 1971.

Example (4). A, a married individual filing a separate return with one exemption allowable as a deduction under section 151, has the following transactions in 1971:

Taxable income exclusive of capital gains and losses		$12,000
Deduction provided by section 151		675
Taxable income for purposes of section 1211(b)		12,675
Long-term capital loss	($800)	
Long-term capital gain	300	
Net long-term capital loss	(500)	
Short-term capital loss	(500)	
Short-term capital gain	600	
Net short-term capital gain	100	
Losses to the extent of gains		(900)
Additional allowance deductible under section 1211(b)		200

The excess net long-term capital loss of $400 (net long-term capital loss of $500 minus net short-term capital gain of $100) is deductible in 1971 only to the extent of an additional allowance of $200 (one-half of $400) which is smaller than both $500 (married taxpayer filing a separate return for a taxable year beginning after December 31, 1969) and taxable income for purposes of section 1211(b). Since there is no net short-term capital loss in excess of net long-term capital gains for the taxable year, the $200 additional allowance deductible under section 1211(b) consists entirely of excess net long-term capital loss. No amount of net capital loss remains to be carried over under section 1212(b) to the succeeding taxable year.

Example (5). A, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1970:

Taxable income exclusive of capital gains and losses		$13,300
Deduction provided by section 151		625
Taxable income for purposes of section 1211(b)		13,925
Long-term capital loss	($6,000)	
Long-term capital gain	2,000	
Net long-term capital loss	(4,000)	
Short-term capital gain	3,000	
Short-term capital loss carried to 1970 from 1969 under section 1212(b)(1)	(3,000)	
Net short-term capital loss	0	
Losses to the extent of gains	(5,000)	
Additional allowance deductible under section 1211(b)	1,000	

The $1,000 additional allowance deductible under section 1211(b) is the least of (i) taxable income of $13,925, (ii) $1,000, or (iii) the sum of the net short-term capital loss ($0) plus one-half of the net long-term capital loss of $4,000. The $1,000 additional allowance, therefore, consists of net long-term capital loss. Since $2,000 of the net long-term capital loss of $4,000 was required to produce the $1,000 additional allowance, the $2,000 balance of the net long-term capital loss is carried over under section 1212(b) to 1971.

Example (6). A, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1970:

Taxable income exclusive of capital gains and losses		$13,300
Deduction provided by section 151		625
Taxable income for purposes of section 1211(b)		13,925
Long-term capital gain	$5,000	
Long-term capital loss	(7,000)	
Long-term capital loss carried to 1970 from 1969 under section 1212(b)(1)	(500)	
Net long-term capital Loss	(2,500)	
Short-term capital gain	1,100	
Short-term capital loss	(1,400)	
Net short-term capital loss	(300)	
Losses to extent of gains	(6,100)	
Transitional additional allowance deductible under section 1211(b)	1,000	

Because a component of the net long-term capital loss for 1970 is a $500 long-term capital loss carried to 1970 from 1969, the

transitional additional allowance deductible under section 1211(b) and subparagraph (3) of this paragraph is the least of (i) taxable income of $13,925, (ii) $1,000 or (iii) the sum of the net short-term capital loss of $800, plus the net long-term capital loss for 1970, to the extent of the $500 long-term capital loss carried to 1970 from 1969 and one-half of the $2,000 balance of the net long-term capital loss. The entire $500 long-term capital loss carried to 1970 from 1969 is applicable in full to the transitional additional allowance because there was no net capital gain actually realized in 1970. The $1,000 transitional additional allowance, therefore, consists of the net short-term capital loss of $800, the $500 long-term capital loss carried to 1970 from 1969, plus one-half of enough of the balance of the 1970 net long-term capital loss ($400) to make up the $200 balance of the $1,000 transitional additional allowance. A long-term capital loss of $1,600 ($2,500 minus $900), all of which is attributable to 1970, is carried over under section 1212(b) to 1971.

Example (7). A, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1970:

Taxable income exclusive of capital gains and losses		$13,300
Deduction provided by section 151		625
Taxable income for purposes of section 1211(b)		13,925
Long-term capital loss	($2,000)	
Long-term capital loss carried to 1970 from 1969 under section 1212 (b)(1)	(500)	
Net long-term capital loss	(2,500)	
Short-term capital gain	2,600	
Short-term capital loss carried to 1970 from 1969 under section 1212 (b)(1)	(3,000)	
Net short-term capital loss	(400)	
Losses to the extent of gains	(2,600)	
Transitional additional allowance deductible under section 1211(b)	1,000	

Because a component of the net long-term capital loss for 1970 is a $500 long-term capital loss carried to 1970 from 1969, the transitional additional allowance deductible under section 1211(b) and subparagraph (3) of this paragraph is the least of (i) taxable income of $13,925, (ii) $1,000, or (iii) the sum of the net short-term capital loss of $400, plus the net long-term capital loss for 1970 to the extent of the $500 long-term capital loss carried to 1970 from 1969, and one-half of the $2,000 balance of the net long-term capital loss. The entire $500 long-term capital loss carried to 1970 from 1969 is applicable in full to the transitional additional allowance because the net capital gain for the taxable year (computed without regard to capital losses carried to the taxable year) consisted entirely of net short-term capital gain not in excess of the short-term capital loss carried to 1970 from 1969. The $1,000 transitional additional allowance, therefore, consists of the net short-term capital loss of $400, the $500 long-term capital loss carried to 1970 from 1969, plus one-half of enough of the balance of the 1970 net long-term capital loss ($200) to make up the $100 balance of the $1,000 transitional additional allowance. A long-term capital loss of $1,800 ($2,500 minus $700), all of which is attributable to 1970, is carried over under section 1212(b) to 1971.

Example (8). Assume the facts in Example (7) but assume that the individual with one exemption allowable as a deduction under section 151 is married and files a separate return for 1970. The maximum transitional additional allowance to which the individual would be entitled for 1970 pursuant to subparagraph (7)(ii) of this paragraph would be the sum of $500 plus (i) $2,400 of the short-term capital loss of $3,000 carried to 1970 from 1969 (the amount by which such carryover exceeds the $600 net capital gain actually realized in 1970, all of which is net short-term capital gain) and (ii) the $500 long-term capital loss carried to 1970 from 1969. However, since this sum ($3,400) exceeds $1,000, the maximum transitional additional allowance to which the individual is entitled for 1970 is limited to $1,000. If for 1971, the same married individual had taxable income of $13,925 for purposes of section 1211(b) and no capital transactions, and filed a separate return, the additional allowance deductible under section 1211(b) for 1971 would be limited to $500 by reason of subdivision (i) of subparagraph (7) of this paragraph, since, as illustrated in Example (7), no part of the capital loss carried over to 1971 under section 1212(b) is attributable to 1969.

Example (9). B, an unmarried individual with one exemption allowable as a deduction under section 151, has the following transactions in 1971:

Taxable income exclusive of capital gains and losses		$10,000
Deductions provided by section 151		675
Taxable income for purposes of section 1211(b)		10,675
Long-term capital gain	$2,500	
Long-term capital loss treated under § 1.1211–1(b)(3)(iii) as carried over from 1969	(5,000)	
Net long-term capital loss	(2,500)	
Short-term capital gain	2,700	
Short-term capital loss carried to 1971 from 1970 under section 1212 (b)(1)	(1,000)	
Short-term capital loss treated under § 1.1211–1(b)(3)(iv) as carried over from 1969	(2,000)	
Net short-term capital loss	(300)	
Losses to extent of gain	(5,200)	
Transitional additional allowance deductible under section 1211(b)	1,000	

Because a component of the net long-term capital loss for 1971 is a long-term capital loss treated under subparagraph (3)(iii) of this paragraph as carried over from 1969, the rules for computation of the transitional additional allowance under subparagraph (3)(i) and (ii) of this paragraph apply. The "transitional net long-term capital loss component" for 1971 under subparagraph (3)(ii) of this paragraph is $1,800, that is, the amount by which the $5,000 long-term loss treated as carried over from 1969 to 1971 exceeds (*a*) the net long-term capital gain of $2,500 actually realized in 1971 plus (*b*) the $700 excess of the $2,700 net short-term capital gain actually realized in 1971 over the $2,000 short-term capital loss treated as carried over to 1971 from 1969. The transitional additional allowance for 1971 consists of the $300 net short-term capital loss plus $700 of the net long-term capital loss attributable to 1969. A net long-term capital loss of $1,800 ($2,500 minus $700) is carried over to 1972 under section 1212(b). Only $1,100 of the $1,800 will be treated in 1972 as carried over from 1969 since under subparagraph (3)(iii) of this paragraph the "transitional net long-term capital loss component" of $1,800 is reduced by the amount ($700) applied to the transitional additional allowance for 1971.

PAR. 10. Section 1.1212 is amended by revising the heading of such section, by revising the heading and subsections (a)(1) and (b) of section 1212, by adding new paragraphs (3) and (4) to section 1212(a), and by revising the historical note. The amended and added provisions read as follows:

§ 1.1212 Statutory provisions; capital loss carrybacks and carryovers.

SEC. 1212. *Capital loss carrybacks and carryovers*—(a) *Corporations*—(1) *In general.* If a corporation has a net capital loss for any taxable year (hereinafter in this paragraph referred to as the "loss year"), the amount thereof shall be—

(A) A capital loss carryback to each of the 3 taxable years preceding the loss year, but only to the extent—

(i) Such loss is not attributable to a foreign expropriation capital loss, and

(ii) The carryback of such loss does not increase or produce a net operating loss (as defined in section 172(c)) for the taxable year to which it is being carried back; and

(B) A capital loss carryover to each of the 5 taxable years (10 taxable years to the extent such loss is attributable to a foreign expropriation capital loss) succeeding the loss year,

and shall be treated as a short-term capital loss in each such taxable year. The entire amount of the net capital loss for any taxable year shall be carried to the earliest of the taxable years to which such loss may be carried, and the portion of such loss which shall be carried to each of the other taxable years to which such loss may be carried shall be the excess, if any, of such loss over the total of the net capital gains for each of the prior taxable years to which such loss may be carried. For purposes of the preceding sentence, the net capital gain for any such prior taxable year shall be computed without regard to the net capital loss for the loss year or for any taxable year thereafter. In the case of any net capital loss which cannot be carried back in full to a preceding taxable year by reason of clause (ii) of subparagraph (A), the net capital gain for such prior taxable year shall in no case be treated as greater than the amount of such loss which can be carried back to such preceding taxable year upon the application of such clause (ii).

* * * * *

(3) *Electing small business corporations.* Paragraph (1)(A) shall not apply to the net capital loss of a corporation for any taxable year for which it is an electing small business corporation under subchapter S, and a net capital loss of a corporation (for a year for which it is not such an electing small business corporation) shall not be carried back under paragraph (1)(A) to a taxable year for which it is an electing small business corporation.

(4) *Special rules on carrybacks.* A net capital loss of a corporation shall not be carried back under paragraph (1)(A) to a taxable year—

(A) For which it is a foreign personal holding company (as defined in section 552);

(B) For which it is a regulated investment company (as defined in section 851);

(C) For which it is a real estate investment trust (as defined in section 856); or

(D) For which an election made by it under section 1247 is applicable (relating to election by foreign investment companies to distribute income currently).

(b) *Other taxpayers*—(1) *In general.* If a taxpayer other than a corporation has a net capital loss for any taxable year—

(A) The excess of the net short-term capital loss over the net long-term capital gain for such year shall be a short-term capital loss in the succeeding taxable year, and

(B) The excess of the net long-term capital loss over the net short-term capital gain for such year shall be a long-term capital loss in the succeeding taxable year.

(2) *Special rules.* (A) For purposes of determining the excess referred to in paragraph (1)(A), an amount equal to the amount allowed for the taxable year under section 1211(b)(1) (A), (B), or (C) shall be treated as a short-term capital gain in such year.

(B) For purposes of determining the excess referred to in paragraph (1)(B), an amount equal to the sum of—

(i) The amount allowed for the taxable year under section 1211(b)(1) (A), (B), or (C), and

(ii) The excess of the amount described in clause (i) over the net short-term capital loss (determined without regard to this subsection) for such year,

shall be treated as a short-term capital gain in such year.

(3) *Transitional rule.* In the case of any amount which, under paragraph (1) and section 1211(b) (as in effect for taxable years beginning before January 1, 1970), is treated as a capital loss in the first taxable year beginning after December 31, 1969, paragraph (1) and section 1211(b) (as in effect for taxable years beginning before January 1, 1970) shall apply (and paragraph (1) and section 1211(b) as in effect for taxable years beginning after December 31, 1969, shall not apply) to the extent such amount exceeds the total of any net capital gains (determined without regard to this subsection) of taxable years beginning after December 31, 1969.

[Sec. 1212 as amended by sec. 230(a), Rev. Act 1964 (78 Stat. 99); sec. 7(a), Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 861); sec. 512 (a) and (b) and sec. 513(b), Tax Reform Act 1969 (83 Stat. 638, 639, 642)]

PAR. 11. Section 1.1212-1 is amended by revising the heading of such section, by revising subdivision (i) of paragraph (a)(1), by adding a new subparagraph (3) to paragraph (a), and by revising paragraph (b). The amended and added provisions read as follows:

§ 1.1212-1 Capital loss carryovers and carrybacks.

(a) *Corporations; other taxpayers for taxable years beginning before January 1, 1964*—(1) *Regular net capital loss sustained for taxable years beginning before January 1, 1970.* (i) A corporation sustaining a net capital loss for any taxable year beginning before January 1, 1970, and a taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall carryover such net loss to each of the 5 succeeding taxable years and treat it in each of such 5 succeeding taxable years as a short-term capital loss to the extent not allowed as a deduction against any net capital gains of any taxable years intervening between the taxable year in which the net capital loss was sustained and the taxable year to which carried. The carryover is thus applied in each succeeding taxable year to offset any net capital gain in such succeeding taxable year. The amount of the capital loss carryover may not be included in computing a new net capital loss of a taxable year which can be carried over to the next 5 succeeding taxable years. For purposes of this subparagraph, a net capital gain shall be computed without regard to capital loss carryovers or carrybacks. In the case of nonresident alien individuals, see section 871 for special rules on capital loss carryovers. For the rules applicable to the portion of a net capital loss of a corporation which is attributable to a foreign expropriation capital loss sustained in taxable years beginning after December 31, 1958, see subparagraph (2) of this paragraph. For the rules applicable to a taxpayer other than a corporation in the treatment of that amount of a net capital loss which may be carried over under section 1212 and this subparagraph as a short-term capital loss to the first taxable year beginning after December 31, 1963, see paragraph (b) of this section.

* * * * *

(3) *Regular net capital loss sustained by a corporation for taxable years beginning after December 31, 1969*—(i) *General rule.* A corporation sustaining a net capital loss for any taxable year beginning after December 31, 1969 (hereinafter in this paragraph referred to as the "loss year"), shall—

(*a*) Carry back such net capital loss to each of the 3 taxable years preceding the loss year, but only to the extent that such net capital loss is not attributable to a foreign expropriation capital loss and the carryback of such net capital loss does not increase or produce a net operating loss (as defined in section 172 (c)) for the taxable year to which it is carried back; and

(*b*) Carry over such net capital loss to each of the 5 taxable years succeeding the loss year,

and, subject to subdivision (ii) of this subparagraph, treat such net capital loss in each of such 3 preceding and 5 succeeding taxable years as a short-term capital loss.

(ii) *Amount treated as a short-term capital loss in each year.* The entire amount of the net capital loss for any loss year shall be carried to the earliest of the taxable years to which such net capital loss may be carried, and the portion of such net capital loss which shall be carried to each of the other taxable years to which such net capital loss may be carried shall be the excess, if any, of such net capital loss over the total of the net capital gains (computed without regard to the capital loss carryback from the loss year or any taxable year thereafter) for each of the prior taxable years to which such net capital loss may be carried.

(iii) *Special rules.* (*a*) In the case of a net capital loss which is not a foreign expropriation capital loss and which cannot be carried back in full to a preceding taxable year by reason of section 1212(a)(1)(A)(ii) and subdivision (i) (*a*) of this subparagraph because such loss would produce or increase a net operating loss in such preceding taxable year, the net capital gain for such preceding taxable year shall in no case be treated as greater than the amount of such net capital loss which can be carried back to such preceding taxable year upon the application of section 1212(a)(1)(A)(ii) and subdivision (i) (*a*) of this subparagraph.

(*b*) For the rules applicable to the portion of a net capital loss of a corporation which is attributable to a foreign expropriation capital loss sustained in a taxable year beginning after December 31, 1958, see section 1212(a)(2) and subparagraph (2) of this paragraph.

(*c*) Section 1212(a)(1)(A) and subdivision (i)(*a*) of this subparagraph shall not apply to (and no carryback shall be allowed with respect to) the net capital loss of a corporation for any taxable year for which such corporation is an electing small business corporation under subchapter S. See § 1.1372-1.

(*d*) A net capital loss of a corporation for a year for which it is not an electing small business corporation under subchapter S shall not be carried back under section 1212(a)(1)(A) and subdivision (i)(*a*) of this subparagraph to a taxable year for which such corporation is an electing small business corporation. See section 1212(a)(3).

(*e*) A net capital loss of a corporation shall not be carried back under section 1212(a)(1)(A) and subdivision (i)(*a*) of this subparagraph to a taxable year for which the corporation was a foreign personal holding company, a regulated investment company, or a real estate investment trust, or for which an election made by the corporation under section 1247 is applicable. See section 1212(a)(4).

(*f*) A taxable year to which a net capital loss of a corporation cannot, by reason of (*d*) or (*e*) of this subdivision, be carried back under section 1212(a)(1)(A) and subdivision (i)(*a*) of this subparagraph shall nevertheless be treated as 1 of the 3 taxable years preceding the loss year for purposes of section 1212(a)(1)(A) and such subdivision (i)(*a*); but any net capital gains for such taxable year to which such net capital loss cannot be carried back shall be disregarded for purposes of subdivision (ii) of this subparagraph.

(iv) The application of this subparagraph may be illustrated by the following examples, in each of which it is assumed that the corporation is not, and never has been, a corporation described in subdivision (iii) (*c*) or (*d*) of this subparagraph, that the corporation files its tax

returns on a calendar year basis, and that no capital loss sustained is a foreign expropriation capital loss:

Example (1). A corporation has a net capital loss for 1970 which section 1212(a)(1)(A) permits to be carried back. The entire net capital loss for 1970 may be carried back to 1967, but only to the extent that a net operating loss for 1967 would not be produced or increased. The amount of the carryback to 1968 is the excess of the net capital loss for 1970 over the net capital gain for 1967, computed without regard to a capital loss carryback from 1970 or any taxable year thereafter. The amount of the carryback to 1969 is the excess of the net capital loss for 1970 over the sum of the net capital gains for 1967 and 1968, computed without regard to a capital loss carryback from 1970 or any taxable year thereafter. The amount of the carryover to 1971 is the excess of the net capital loss for 1970 over the sum of the net capital gains for 1967, 1968, and 1969, computed without regard to a capital loss carryback from 1970 or any taxable year thereafter. Similarly, the amount of the carryover to 1972, 1973, 1974, and 1975, respectively, is the excess of the net capital loss for 1970 over the sum of the net capital gains for taxable years prior to 1972, 1973, 1974, or 1975, as the case may be, to which the net capital loss for 1970 may be carried, computed without regard to a capital loss carryback from 1970 or any year thereafter.

Example (2). For the taxable years 1967 to 1975, inclusive, a corporation is assumed to have net capital loss, net capital gain, and taxable income (computed without regard to capital gains and losses) as follows:

	1967	1968	1969	1970	1971	1972	1973	1974	1975
Taxable income (computed without regard to capital gains or losses)	$25,000	$25,000	$25,000	$25,000	$25,000	$25,000	$25,000	$25,000	$25,000
Net capital loss			(1,000)	(29,500)	(16,000)	(500)			
Net capital gain (computed without regard to carrybacks or carryovers)	14,000	16,000					8,000	7,500	6,500
Carryback or carryover:									
From 1969							(1,000)		
From 1970	(14,000)	(15,500)							
From 1971		(500)					(7,000)	(7,500)	(1,000)
From 1972									(500)

The net capital loss of 1969, under the rules of subparagraph (1) of this paragraph, may not be carried back. Thus, the net capital loss for 1970 is carried back and partially absorbed by the net capital gain for 1967, and a portion of the net capital losses of both 1970 and 1971 are carried back to 1968. The net capital loss for 1969 is the oldest that may be carried to 1973, and thus, it is the first carried over and absorbed by the net capital gain for 1973. The net capital loss for 1972 (which is not carried back because of the net capital losses in the 3 years preceding 1972) may be carried over to 1973.

Example (3). For the taxable years 1967 to 1970, inclusive, a corporation which was organized on January 1, 1967, realized operating income and net capital gains and sustained operating losses and net capital losses as follows:

	Operating income or loss (exclusive of capital gain or loss)	Capital gain or loss
1967	$20,000	$24,000
1968	20,000	0
1969	20,000	0
1970	(25,000)	(20,000)

The net capital loss of $20,000 for 1970 is carried back to 1967 and applied against the $24,000 net capital gain realized in that year, reducing such net capital gain to $4,000. The net operating loss of $25,000 for 1970 is then carried back to 1967 and applied first to eliminate the $20,000 of operating income for that year and then to eliminate the net capital gain for that year of $4,000 (as reduced by the 1970 capital loss carryback).

Example (4). Assume the same facts as in Example (3) but substitute the following figures:

	Operating income or loss (exclusive of capital gain or loss)	Capital gain or loss
1967	($20,000)	$24,000
1968	20,000	0
1969	20,000	0
1970	(25,000)	(20,000)

The net capital loss of $20,000 for 1970 is carried back to 1967 and applied against the $24,000 net capital gain realized in that year only to the extent of $4,000, the maximum amount to which the 1970 capital loss carryback can be applied without producing a net operating loss for 1967. The unused $16,000 balance of the 1970 net long-term capital loss can be carried forward to 1971 and subsequent taxable years to the extent provided in subdivision (i)(b) of this subparagraph.

Example (5). Assume the same facts as in Example (3) but substitute the following figures:

	Operating income or loss (exclusive of capital gain or loss)	Capital gain or loss
1967	0	0
1968	($20,000)	0
1969	0	$24,000
1970	20,000	(24,000)

The net capital loss of $24,000 for 1970 is carried back to 1969 and applied against the $24,000 net capital gain realized in that year to the extent of $24,000. The application of the capital loss carryback is not limited as it was in Example (4) because such carryback neither increases nor produces a net operating loss, as such, for 1969. The $20,000 net operating loss for 1968 is then carried forward to 1970 to eliminate the $20,000 of operating income for that year.

Example (6). Assume the same facts as in Example (3) but substitute the following figures:

	Operating income or loss (exclusive of capital gain or loss)	Capital gain or loss
1967	0	0
1968	0	0
1969	($20,000)	($24,000)
1970	20,000	20,000

The net capital loss of $24,000 for 1969 is carried forward to 1970 and applied against the $20,000 net capital gain realized in that year. The unused $4,000 balance of the 1969 net capital loss can be carried forward to 1971 and subsequent taxable years to the extent provided in subdivision (i)(b) of this subparagraph.

(b) *Taxpayers other than corporations for taxable years beginning after December 31, 1963*—(1) *In general.* If a taxpayer other than a corporation sustains a net capital loss for any taxable year beginning after December 31, 1963, the portion thereof which is a short-term capital loss carryover shall be carried over to the succeeding taxable year and treated as a short-term capital loss sustained in such succeeding taxable year, and the portion thereof which constitutes a long-term capital loss carryover shall be carried over to the succeeding taxable year and treated as a long-term capital loss sustained in such succeeding taxable year. The carryovers are included in the succeeding taxable year in the determination of the amount of the short-term capital loss, the net short-term capital gain or loss, the long-term capital loss, and the net long-term capital gain or loss in such year, the net capital loss in such year, and the capital loss carryovers from such year. For purposes of this subparagraph—

(i) A short-term capital loss carryover is the excess of the net short-term capital loss for the taxable year over the net long-term capital gain for such year, and

(ii) A long-term capital loss carryover is the excess of the net long-term capital loss for the taxable year over the net short-term capital gain for such year.

(2) *Special rules for determining a net short-term capital gain or loss for purposes of carryover*—(i) *Taxable years beginning after December 31, 1963, and before January 1, 1970.* In determining a net short-term capital gain or loss of a taxable year beginning after December 31, 1963, and before January 1, 1970, for purposes of computing a short-term or long-term capital loss carryover to the succeeding taxable year, an amount equal to the additional allowance deductible under section 1211(b) for the taxable year (determined as provided in section 1211(b), as in effect for taxable years beginning before January 1, 1970, and § 1.1211–1(b)(5)) is treated as a short-term capital gain occurring in such year.

(ii) *Taxable years beginning after December 31, 1969.* In determining a net short-term capital gain or loss of a taxable year beginning after December 31, 1969—

(*a*) For purposes of computing a short-term capital loss carryover to the succeeding taxable year, an amount equal to the additional allowance for the taxable year (determined as provided in section 1211(b) and §1.1211–1(b)(2) is treated as a short-term capital gain occurring in such year, and

(*b*) For purposes of computing a long-term capital loss carryover to the succeeding taxable year, an amount equal to the sum of the additional allowance for the taxable year (determined as provided in section 1211(b) and § 1.1211–1(b)(2)), plus the excess of such addi-

tional allowance over the net short-term capital loss (determined without regard to section 1212(b)(2) for such year) is treated as a short-term capital gain in such year.

The rules provided in this subdivision are for the purpose of taking into account the additional allowance deductible for the current taxable year under section 1211(b) and § 1.1211–1(b)(2) in determining the amount and character of capital loss carryovers from the current taxable year to the succeeding taxable year. Their practical application to a determination of the amount and character of capital loss carryovers from the current taxable year to the succeeding taxable year involves identification of the net long-term and net short-term capital loss components of the additional allowance deductible in the current taxable year as provided by § 1.1211–1(b)(2)(iii). To the extent that the additional allowance is composed of net short-term capital losses, such losses are treated as a short-term capital gain in the current taxable year in determining the capital loss carryovers to the succeeding year. To the extent that the additional allowance is composed of net long-term capital losses applied pursuant to the provisions of § 1.1211–1(b)(2)(iii), an amount equal to twice the amount of such component of the additional allowance is treated as a short-term capital gain in the current taxable year. See paragraph (4) of this section for transitional rules if any part of the additional allowance is composed of net long-term capital losses carried to the current taxable year from a taxable year beginning before January 1, 1970.

(3) *Transitional rule for net capital losses sustained in a taxable year beginning before January 1, 1964.* A taxpayer other than a corporation sustaining a net capital loss for any taxable year beginning before January 1, 1964, shall treat as a short-term capital loss in the first taxable year beginning after December 31, 1963, any amount which would be treated as a short-term capital loss in such year under subchapter P of chapter 1 of the Code as in effect immediately before the enactment of the Revenue Act of 1964.

(4) *Transitional rule for net long-term capital losses sustained in a taxable year beginning before January 1, 1970.* In the case of a net long-term capital loss sustained by a taxpayer other than a corporation in a taxable year beginning prior to January 1, 1970 (referred to in this section as a "pre-1970 taxable year") which is carried over and treated as a long-term capital loss in the first taxable year beginning after December 31, 1969 (referred to in this section as a "post-1969 taxable year"), the transitional additional allowance deductible under section 1211(b) for the taxable year shall be determined by application of section 1211(b) as in effect for pre-1970 taxable years and § 1.1211–1(b)(3), and the amount of such long-term capital loss carried over and treated as a long-term capital loss in the succeeding taxable year shall be determined by application of section 1212(b)(1) as in effect for pre-1970 taxable years and subparagraph (2)(i) of this paragraph (instead of under sections 1211(b) and 1212(b)(1) as in effect for post-1969 taxable years and § 1.1211–1(b)(2) and subparagraph (2)(ii) of this paragraph, respectively) but only to the extent that such pre-1970 long-term capital loss constitutes a "transitional net long-term capital loss component" (determined as provided in § 1.1211–1(b)(3)(ii)) in the taxable year to which such pre-1970 long-term capital loss is carried. Thus, for purposes of paragraph (2) of this section, to the extent that a component of the transitional additional allowance deductible for a post-1969 taxable year under section 1211(b) and § 1.1211–1(b)(3)(i) is a transitional net long-term capital loss component carried over to such post-1969 taxable year, such component shall be treated as a short-term capital gain in determining the amount and character of capital loss carryovers from such post-1969 taxable year to the succeeding taxable year. Such component shall be so treated as a short-term capital gain in full on a dollar-for-dollar basis and shall not be doubled for this purpose as is provided by subdivision (ii) of paragraph (2) of this section in the case of a component of the additional allowance made up of net long-term capital losses applied pursuant to the provisions of § 1.1211–1(b)(2)(iii). The transitional rule provided in this paragraph does not apply to a determination of the character of capital losses (as long-term or short-term) actually deductible for the current taxable year under section 1211(b) and § 1.1211–1(b).

(5) *Examples.* The application of this paragraph can be illustrated by the following examples:

Example (1). For the taxable year 1971, an unmarried individual has taxable income for purposes of section 1211(b) of $8,000, a long-term capital loss of $2,000, and no other capital gains or losses. $1,000 (one-half) of the net long-term capital loss is deductible in 1971 as the additional allowance deductible under section 1211(b). No amount of capital loss remains to be carried over to the succeeding taxable year.

Example (2). For the taxable year 1972, the same unmarried individual has taxable income for purposes of section 1211(b) of $8,000, a long-term capital loss of $3,000 and no other capital gains or losses. $1,500 (one-half of the excess net capital loss) is deductible in 1972, but limited to the $1,000 maximum additional allowance deductible under section 1211(b). By application of section 1212(b)(1), he will carry over to 1973 a long-term capital loss of $1,000 determined as follows:

Net long-term capital loss		($3,000)
Additional allowance deductible under section 1211(b)	$1,000	
Excess of additional allowance over net short-term capital loss (determined without regard to section 1212(b)(2)(B)(i))	1,000	
Total amount treated as short-term capital gain under 1212(b)(2)(B) for purposes of determining carryover		2,000
Long-term capital loss carryover to 1973		(1,000)

If, in 1973, he had taxable income for purposes of section 1211(b) of $8,000, but no capital gains or losses, $500 (one-half) of the net long-term capital loss carryover from 1972 would be deductible in 1973 as the additional allowance deductible under section 1211(b). No amount of capital loss would be carried over to 1974.

Example (3). For the taxable year 1971, an unmarried individual has taxable income for purposes of section 1211(b) of $9,000, a $500 short-term capital gain, a $700 short-term capital loss, a $1,000 long-term capital gain and a $1,700 long-term capital loss. He will offset $1,500 of capital losses against capital gains. The excess net capital loss of $900 is deductible in 1971 to the extent of a $550 additional allowance deductible under 1211(b) which is smaller than both $1,000 and taxable income for purposes of section 1211(b), determined as follows:

Losses allowed to the extent of gains	($1,500)
Amount allowed under section 1211(b)(1)(C):	
(i) excess of net short-term capital loss over net long-term capital gain	(200)
(ii) one-half of the excess of net long-term capital loss over net short-term capital gain	(350)
Additional allowance deductible under section 1211(b)	550

The total amount treated as short-term capital gain under section 1212(b)(2)(B) for purposes of determining any carryover to the succeeding taxable year exceeds $900. No amount of net capital loss remains to be carried over to the succeeding taxable year.

Example (4). If in example (3) above, the long-term capital loss had been $2,800, the taxpayer would carry over $200 of long-term capital loss to 1972, determined as follows:

Losses allowed to extent of gains	($1,500)
Amount allowed under section 1211(b)(1)(B) and (C):	
(i) excess of net short-term capital loss over net long-term capital gain	(200)
(ii) one-half the excess of net long-term capital loss over net short-term capital gain	(900)
as limited by 1211(b)(1)(B) to an additional allowance of $1,000.	
Carryover under section 1212(b)(1):	
Net long-term capital loss for 1971	($1,800)
Additional allowance under section 1211(b)(1)(B)	1,000
Excess of additional allowance deductible under section 1211(b) over net short-term capital loss determined without regard to section 1212(b)(2)(B)(i) ($1,000 less $200)	800
Total amount treated as short-term capital gain under section 1212(b)(2)(B) for purposes of determining carryover	1,800
Short-term capital gain for 1971	500
Total short-term capital gain	2,300
Short-term capital loss for 1971	(700)
Net short-term capital gain	1,600
Long-term capital loss carryover ($1,800 less $1,600)	200

Example (5). For 1969, an unmarried individual has taxable income for purposes of section 1211(b) of $8,000, a long-term capital loss of $3,000, and no other capital gains or losses. He is allowed to deduct in 1969 $1,000 as the additional allowance deductible under section 1211(b) (as in effect for pre-1970 taxable years) and to carry over to 1970, a long-term capital loss of $2,000 under section 1212(b) (as in effect for pre-1970 taxable years).

If, in 1970, the same unmarried individual with taxable income for purposes of section 1211(b) of $8,000, has no capital gains or losses, he would deduct $1,000 of his pre-1970 capital loss carryover as the transitional additional allowance deductible under section 1211(b) (as in effect for pre-1970 years) and carry over under section 1212(b)(1) (as in effect for pre-1970 taxable years) to 1971 the remaining $1,000 as a pre-1970 long-term capital loss.

If, in 1970, the same individual instead has a long-term capital gain of $2,500, and a long-term capital loss of $1,500, he would net these two items with the $2,000 carried to 1970 as a long-term capital loss. Thus, he would have a net long-term capital loss for 1970 of $1,000 which is deductible in 1970 as the transitional additional allowance deductible under section 1211(b). He would have no amount to carry over under section 1212(b)(1) to 1971.

If, in 1970, the same individual instead has a long-term capital loss of $1,200, and a long-term capital gain of $200, resulting in a net long-term capital loss of $3,000 when netted with the $2,000 carried to 1970 as a long-term capital loss, he would deduct $1,000 in respect of his pre-1970 long-term capital loss carryover as the transitional additional allowance deductible under section 1211(b) (as in effect for pre-1970 taxable years) and carry over under section 1212(b)(1) (as in effect for pre-1970 taxable years) to 1971 the remaining $1,000 of the pre-1970 component of his long-term capital loss carryover, and the $1,000 net long-term capital loss actually sustained in 1970 as the second component of his long-term capital loss carryover.

Example (6). For 1970 a married individual filing a separate return has taxable income of $8,000, a long-term capital loss of $3,500 and a short-term capital gain of $3,000. He also has a pre-1970 short-term capital loss of $2,000 which is carried to 1970. The $3,000 short-term capital gain realized in 1970 would first be reduced by the $2,000 short-term capital loss carryover, and then the remaining $1,000 balance of the short-term capital gain would be offset against the $3,500 long-term capital loss, producing a net long-term capital loss of $2,500, no part of which is a net long-term capital loss carried over from 1969. However, under the special rule of § 1.1211–1(b)(7)(ii) in 1970, the taxpayer would deduct as the additional allowance deductible under section 1211(b), the $500 limitation in §1.1211–1(b)(2)(ii) in the case of a married taxpayer filing a separate return in a taxable year ending after December 31, 1969, plus the "transitional net short-term capital loss component" of $2,000 computed under § 1.1211–1(b)(3)(iv), but limited to a total deduction of $1,000. The $1,000 additional allowance deductible under section 1211(b) would absorb $2,000 of the $2,500 net long-term capital loss, and he would carry the unused $500 balance of such loss to 1971 for use in that year.

Example (7). For 1970, an unmarried individual filing a separate return has taxable income for purposes of section 1211(b) of $8,000, and a long-term capital loss of $2,000. He also has a pre-1970 long-term capital loss of $2,500 which is carried to 1970. In 1970, the taxpayer would deduct as the transitional additional allowance deductible under section 1211(b) $1,000, absorbing $1,000 of the pre-1970 long-term capital loss of $2,500. He would carry to 1971 the unused $1,500 balance of his pre-1970 long-term capital loss plus the 1970 long-term capital loss of $2,000, or a total of $3,500, for use in 1971.

For 1971, the same taxpayer filing a separate return with taxable income for purposes of section 1211(b) of $8,000, has a $3,600 long-term capital gain and a $2,200 long-term capital loss. When these gains and losses are combined with the long-term capital loss carryover from 1970 of $3,500, a net long-term capital loss of $2,100 results. He would deduct $1,000 as the transitional additional allowance deductible under section 1211(b). The $1,000 additional allowance would absorb $100 of the unused pre-1970 long-term capital loss carryover of $1,500 plus $1,800 of the unused post-1969 long-term capital loss carryover of $2,100 (the amount of the 1971 net long-term capital loss necessary to make up the remaining $900 balance of the additional allowance). Although a component of the 1971 net long-term capital loss is the unused pre-1970 long-term capital loss carryover of $1,500, only $100 of this carryover is available for use in full on a dollar-for-dollar basis in computing the transitional additional allowance for 1971 since it only exceeds by that amount the $1,400 net capital gain actually realized in 1971 all of which is net long-term capital gain (long-term capital gain of $3,600 reduced by long-term capital loss of $2,200). See § 1.1221–(b)(3)(ii). The taxpayer would carry over to 1972 as a long-term capital loss the remaining $200 of the 1971 long-term capital loss.

Example (8). For 1970, an unmarried individual has taxable income for purposes of section 1211(b) of $8,000 and a short-term capital loss of $700. He also has a pre-1970 long-term capital loss carryover of $1,200. He would deduct $1,000 as the transitional additional allowance deductible under section 1211(b). The $1,000 transitional additional allowance would be composed of the 1970 short-term capital loss of $700 and $300 of the pre-1970 long-term capital loss carryover. He would carry over to 1971 the unused $900 balance of his $1,200 pre-1970 long-term capital loss carryover for use in 1971.

PAR. 13. Section 1.1222 is amended by revising paragraph (9) of section 1222 and the historical note to read as follows:

§ 1.1222 Statutory provisions; other terms relating to capital gains and losses.

SEC. 1222. *Other terms relating to capital gains and losses.*

* * * * *

(9) *Net capital gain.* The term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from such sales or exchanges.

* * * * *

[Sec. 1222 as amended by sec. 230(b), Rev. Act 1964 (78 Stat. 100); sec. 513(c), Tax Reform Act 1969 (83 Stat. 643)]

PAR. 14. Section 1.1222–1 is amended by revising paragraphs (d) and (e) to read as follows:

§ 1.1222–1 Other terms relating to capital gains and losses.

* * * * *

(d)(1) The term "net capital gain" means the excess of the gains from sales or exchanges of capital assets over the losses from sales or exchanges of capital assets, which losses include any amounts carried to the taxable year pursuant to section 1212(a) or section 1212(b).

(2) Notwithstanding subparagraph (1) of this paragraph, in the case of a taxpayer other than a corporation for taxable years beginning before January 1, 1964, the term "net capital gain" means the excess of (i) the sum of the gains from sales or exchanges of capital assets, plus the taxable income (computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions provided by section 151, relating to personal exemptions, or any deductions in lieu thereof) of the taxpayer or $1,000, whichever is smaller, over (ii) the losses from sales or exchanges of capital assets, which losses include amounts carried to the taxable year by such taxpayer under paragraph (a)(1) of § 1.1212–1. Thus, in the case of estates and trusts for taxable years beginning before January 1, 1964, taxable income for the purposes of this paragraph shall be computed without regard to gains and losses from sales or exchanges of capital assets and without regard to the deductions allowed by section 642(b) to estates and trusts in lieu of personal exemptions. The term "net capital gain" is not applicable in the case of a taxpayer other than a corporation for taxable years beginning after December 31, 1963, and before January 1, 1970. In the case of a taxpayer whose tax liability is computed under section 3 for taxable years beginning before January 1, 1964, the term "taxable income", for purposes of this paragraph, shall be read as "adjusted gross income".

(e) The term "net capital loss" means the excess of the losses from sales or exchanges of capital assets over the sum allowed under section 1211. However, in the case of a corporation, amounts which are short-term capital losses under § 1.1212–1(a) are excluded in determining such "net capital loss".

* * * * *

PAR. 15. Section 1.1314(a) is amended by revising so much of section 1314(a) as follows paragraph (2) of such section and adding a historical note to read as follows:

§ 1.1314(a) Statutory provisions, amount and method of adjustment; ascertainment of amount of adjustment.

SEC. 1314. *Amount and method of adjustment*—(a) *Ascertainment of amount of adjustment.*

* * * * *

There shall then be ascertained the increase or decrease in tax previously determined which results solely from the correct treatment of the item which was the subject of the error (with due regard given to the effect of the item in the computation of gross income, taxable income, and other matters under this subtitle). A similar computation shall be made for any other taxable year affected, or treated as affected, by a net operating loss deduction (as defined in section 172) or by a capital loss carryback or carryover (as defined in section 1212), determined with reference to the taxable year with respect to which the error was made. The amount so ascertained (together with any

amounts wrongfully collected as additions to the tax or interest, as a result of such error) for each taxable year shall be the amount of the adjustment for that taxable year.

[Sec. 1314 (a) as amended by sec. 512(f)(7), Tax Reform Act 1969 (83 Stat. 641)]

PAR. 16. Section 1.1314(a)–2 is amended by revising paragraphs (a) (1) and (2), (b), and (c) to read as follows:

§ 1.1314(a)–2 Adjustment to other barred taxable years.

(a) * * *

(1) The tax liability for such other year or years must be affected, or must have been treated as affected, by a net operating loss deduction (as defined in section 172) or by a capital loss carryback or carryover (as defined in section 1212).

(2) The net operating loss deduction or capital loss carryback or carryover must be determined with reference to the taxable year with respect to which the error was made.

* * * * *

(b) The amount of the adjustment for such other year or years shall be computed in a manner similar to that provided in § 1.1314(a)–1. The tax previously determined for such other year or years shall be ascertained. A recomputation must then be made to ascertain the increase or decrease in tax, if any, resulting solely from the correction of the net operating loss deduction or capital loss carryback or carryover. The difference between the tax previously determined and the tax as recomputed is the amount of the adjustment. In the recomputation, no consideration shall be given to items other than the following: (1) The items upon which the tax previously determined for such other year or years was based, and (2) the net operating loss deduction or capital loss carryback or carryover as corrected. In determining the correct net operating loss deduction or capital loss carryback or carryover, no changes shall be made in taxable income (net income in the case of taxable years subject to the provisions of the Internal Revenue Code of 1939 or prior revenue laws), net operating loss or capital loss, for any barred taxable year, except as provided in section 1314. Section 172 and the corresponding provisions of prior revenue laws, and the regulations promulgated thereunder, prescribe the methods of computing the net operating loss deduction. Section 1212 and the corresponding provisions of prior revenue laws, and the regulations promulgated thereunder, prescribe the methods for computing the capital loss carryback and carryover.

(c) A net operating loss deduction or a capital loss carryback or carryover determined with reference to the year of the error may affect, or may have been treated as affecting, a taxable year with respect to which an adjustment is not prevented by the operation of any law or rule of law. In such case, the appropriate adjustment shall be made with respect to such open taxable year. However, the redetermination of the tax for such open taxable year is not made pursuant to part II (section 1311 and following), subchapter Q, chapter 1 of the Code, and the adjustment for such open year and the method of computation are not limited by the provisions of said sections.

* * * * *

PAR. 17. Section 1.1314(b) is amended by revising section 1314(b) and adding a historical note to read as follows:

§ 1.1314(b) Statutory provisions; amount and method of adjustment; method of adjustment.

SEC. 1314. *Amount and method of adjustment.* * * *

(b) *Method of adjustment.* The adjustment authorized in section 1311(a) shall be made by assessing and collecting, or refunding or crediting, the amount thereof in the same manner as if it were a deficiency determined by the Secretary or his delegate with respect to the taxpayer as to whom the error was made or an overpayment claimed by such taxpayer, as the case may be, for the taxable year or years with respect to which an amount is ascertained under subsection (a), and as if on the date of the determination 1 year remained before the expiration of the periods of limitation upon assessment or filing claim for refund for such taxable year or years. If, as a result of a determination described in section 1313(a)(4), an adjustment has been made by the assessment and collection of a deficiency or the refund or credit of an overpayment, and subsequently such determination is altered or revoked, the amount of the adjustment ascertained under subsection (a) of this section shall be redetermined on the basis of such alteration or revocation and any overpayment or deficiency resulting from such redetermination shall be refunded or credited, or assessed and collected, as the case may be, as an adjustment resulting from an increase or decrease in a net operating loss or net capital loss which is carried back to the year of adjustment, interest shall not be collected or paid for any period prior to the close of the taxable year in which the net operating loss or net capital loss arises.

[Sec. 1341(b) as amended by sec. 512(f)(8), Tax Reform Act 1969 (183 Stat. 642)]

PAR. 18. Section 1.1314(b)–1 is amended by revising paragraph (c) to read as follows:

§ 1.1314(b)–1 Method of adjustment.

* * * * *

(c) The amount of an adjustment treated as if it were a deficiency or an overpayment, as the case may be, will bear interest and be subject to additions to the tax to the extent provided by the internal revenue laws applicable to deficiences and overpayments for the taxable year with respect to which the adjustment is made. In the case of an adjustment resulting from an increase or decrease in a net operating loss or net capital loss which is carried back to the year of adjustment, interest shall not be collected or paid for any period prior to the close of the taxable year in which the net operating loss or net capital loss arises.

* * * * *

PAR. 19. Section 1.6411 is amended by revising so much of subsection (a) as precedes paragraph (1) of such subsection, subsections (a) (1) and (5), (b), and (c) of section 6411, and by adding a historical note. The amended and added provisions read as follows:

§ 1.6411 Statutory provisions; tentative carryback adjustments.

SEC. 6411. *Tentative carryback adjustments*—(a) *Application for adjustment.* A taxpayer may file an application for a tentative carryback adjustment of the tax for the prior taxable year affected by a net operating loss carryback provided in section 172(b), by an investment credit carryback provided in section 46(b), by a work incentive program carryback provided in section 50A (b), or by a capital loss carryback provided in section 1212(a)(1), from any taxable year. The application shall be verified in the manner prescribed by section 6065 in the case of a return of such taxpayer, and shall be filed, on or after the date of filing of the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit from which the carryback results and within a period of 12 months from the end of such taxable year (or, with respect to any portion of an investment credit carryback or a work incentive program carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year), in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth in such detail and with such supporting data and explanation as such regulations shall require—

(1) The amount of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit;

* * * * *

(5) The amount, with respect to the tax for the taxable year immediately preceding the taxable year from which the carryback is made, as to which an extension of time for payment under section 6164 is in effect; and

* * * * *

(b) *Allowance of adjustments.* Within a period of 90 days from the date on which an application for a tentative carryback adjustment is filed under subsection (a), or from the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit from which such carryback results, whichever is the later, the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application, to discover omissions and errors of computation therein, and shall determine the amount of the decrease in the tax attributable to such carryback upon the basis of the application and the examination, except that the Secretary or his delegate may disallow, without further action, any application which he finds contains errors of computation which he deems cannot be corrected by him within such 90-day period or material omissions. Such decrease shall be applied against any unpaid amount of the tax decreased (including any amount of such tax as to which an extension of time under section 6164 is in effect) and any remainder shall be credited against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit the time for payment of which tax is extended under section 6164. Any remainder

shall, within such 90-day period, be either credited against any tax or installment thereof then due from the taxpayer, or refunded to the taxpayer.

(c) *Consolidated returns.* If the corporation seeking a tentative carryback adjustment under this section, made or was required to make a consolidated return, either for the taxable year within which the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit arises, or for the preceding taxable year affected by such loss or credit, the provisions of this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

[Sec. 6411 as amended by sec. 2 (a), (b), (c), (d), and (e), Act of Nov. 2, 1966 (Public Law 89-721, 80 Stat. 1150); sec. 2(b), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 512(d), Tax Reform Act 1969 (83 Stat. 639); sec. 601(e)(1), Rev. Act 1971 (85 Stat. 560)]

PAR. 20. Section 1.6411-1 is amended by revising paragraphs (a) and (c) to read as follows:

§ 1.6411-1 Tentative carryback adjustments.

(a) *In general.* Any taypayer who has a net operating loss under section 172, a net capital loss under section 1211(a) which is a carryback under section 1212, an unused investment credit under section 46, or an unused work incentive program (WIN) credit under section 50A, may file an application under section 6411 for a tentative carryback adjustment of the taxes for taxable years prior to the taxable year of the net operating or capital loss or the unused credit, whichever is applicable, which are affected by the net operating loss carryback, the capital loss carryback, the unused investment credit carryback, or the unused WIN credit carryback, resulting from such loss or unused credit. The regulations under section 6411 shall apply with respect to investment credit carrybacks for taxable years ending after December 31, 1961, but only with respect to applications for tentative carryback adjustments for investment credit carrybacks filed after November 2, 1966. The regulations under section 6411 shall apply with respect to WIN credit carrybacks for taxable years beginning after December 31, 1971. The right to file an application for a tentative carryback adjustment is not limited to corporations, but is available to any taxpayer otherwise entitled to carry back a loss or unused credit. A corporation may file an application for a tentative carryback adjustment even though it has not extended the time for payment of tax under section 6164.

* * * * *

(c) *Time and place for filing application.* Except as otherwise provided in this paragraph the application for a tentative carryback adjustment shall be filed on or after the date of the filing of the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused WIN credit and shall be filed within a period of twelve months from the end of such taxable year. With respect to any portion of an investment credit carryback or a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, the twelve-month period shall be measured from the end of such subsequent taxable year. In the case of an application for a tentative carryback adjustment attributable to the carryback of an unused investment credit, the twelve-month period for filing shall not expire before the close of December 31, 1966. Any application filed prior to the date on which the return for the taxable year of the loss or unused credit is filed shall be considered to have been filed on the date such return is filed. In the case of an application filed before April 15, 1968, the application shall be filed with the internal revenue officer to whom the tax was paid or by whom the assessment was made. Except as provided in paragraph (b) of § 301.6091-1 (relating to hand-carried documents), in the case of an application filed after April 14, 1968, if the tax was paid to the Director of International Operations, the application shall be filed with him; otherwise the application shall be filed with the internal revenue office with which the return was filed.

* * * * *

PAR. 21. Section 1.6411-2 is amended by revising paragraph (a) to read as follows:

§ 1.6411-2 Computation of tentative carryback adjustment.

(a) *Tax previously determined.* The taxpayer is to determine the amount of decrease, attributable to the carryback, in tax previously determined for each taxable year before the taxable year of the net operating loss, net capital loss, unused investment credit, or unused WIN credit. The tax previously determined is to be ascertained in accordance with the method prescribed in section 1314(a). Thus, the tax previously determined will be the tax shown on the return as filed, increased by any amounts assessed (or collected without assessment) as deficiencies before the date of the filing of the application for a tentative carryback adjustment, and decreased by any amounts abated, credited, refunded, or otherwise repaid prior to such date. Any items as to which the Internal Revenue Service and the taxpayer are in disagreement at the time of the filing of the application shall be taken into account in ascertaining the tax previously determined only if, and to the extent that, they were reported in the return, or were reflected in any amounts assessed (or collected without assessment) as deficiencies, or in any amounts abated, credited, refunded, or otherwise repaid, before the date of filing the application. The tax previously determined, therefore, will reflect the foreign tax credit and the credit for tax withheld at source provided in section 32.

* * * * *

PAR. 22. Section 1.6411-3 is amended by revising paragraphs (a)(2), (b), and (d)(2) to read as follows:

§ 1.6411-3 Allowance of adjustments.

(a) *Time prescribed.* * * *

(2) The last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused WIN credit from which the carryback results.

(b) *Examination.* Within the 90-day period described in paragraph (a) of this section, the district director or director of a service center shall make, to the extent he deems practicable in such period, an examination of the application to discover omissions and errors of computation. He shall determine within such period the decrease in tax previously determined, affected by the carryback or any related adjustments, upon the basis of the application and such examination. Such decrease shall be determined in the same manner as that provided in section 1314(a) for the determination by the taxpayer of the decrease in taxes previously determined which must be set forth in the application for a tentative carryback adjustment. Such internal revenue officer, however, may correct any errors of computation or omissions he may discover upon examination of the application. In determining the decrease in tax previously determined which is affected by the carryback or any related adjustment, he accordingly may correct any mathematical error appearing in the application and he may likewise correct any modification required by the law and incorrectly made by the taxpayer in computing the net operating loss, net capital loss, unused investment credit, or unused WIN credit, the resulting carrybacks, or the net operating loss deduction, capital loss deduction, investment credit, or WIN credit allowable. If the required modification has not been made by the taxpayer and such internal revenue officer has available the necessary information to make such modification within the 90-day period, he may, in his discretion, make such modification. In determining such decrease, however, such internal revenue officer will not, for example, change the amount claimed on the return as a deduction for depreciation because he believes that the taxpayer has claimed an excessive amount; likewise, he will not include in gross income any amount not so included by the taxpayer, even though such officer believes that such amount is subject to tax and properly should be included in gross income.

* * * * *

(d) *Application of decrease.* * * *

(2) In case the unpaid amount of tax includes more than one of such amounts, the district director, or director of a service center in his discretion, shall determine against which amount or amounts, and in what proportion, the decrease is to be applied. In general, however, the decrease will be applied

against any amounts described in subparagraph (1) (i), (ii), and (iii) of this paragraph in the order named. If there are several amounts of the type described in subparagragh (1) (iii) of this paragraph, any amount of the decrease which is to be applied against such amount will be applied by assuming that the tax previously determined minus the amount of the decrease to be so applied is "the tax" and that the taxpayer had elected to pay such tax in installments. The unpaid amount of tax against which a decrease may be applied under subparagraph (1) of this paragraph may not include any amount of tax for any taxable year other than the year of the decrease. After making such application, such internal revenue officer will credit any remainder of the decrease against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss, capital loss, unused investment credit, or unused WIN credit, the time for payment of which has been extended under section 6164.

PAR. 23. Section 301.6411 is amended by revising so much of subsection (a) as precedes paragraph (1) of such subsection, subsections (a) (1) and (5), (b), and (c), of section 6411, and by adding a historical note. The amended and added provisions read as follows:

§ 301.6411 Statutory provisions; tentative carryback adjustments.

SEC. 6411. *Tentative carryback adjustments*—(a) *Application for adjustment.* A taxpayer may file an application for a tentative carryback adjustment of the tax for the prior taxable year affected by a net operating loss carryback provided in section 172 (b), by an investment credit carryback provided in section 46(b), by a work incentive program carryback provided in section 50A (b), or by a capital loss carryback provided in section 1212(a) (1), from any taxable year. The application shall be verified in the manner prescribed by section 6065 in the case of a return of such taxpayer, and shall be filed, on or after the date of filing of the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit from which the carryback results and within a period of 12 months from the end of such taxable year (or, with respect to any portion of an investment credit carryback or a work incentive program carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year), in the manner and form required by regulations prescribed by the Secretary or his delegate. The application shall set forth in such detail and with such supporting data and explanation as such regulations shall require—

(1) The amount of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit;

* * * * *

(5) The amount, with respect to the tax for the taxable year immediately preceding the taxable year from which the carryback is made, as to which an extension of time for payment under section 6164 is in effect; and

* * * * *

(b) *Allowance of adjustments.* Within a period of 90 days from the date on which an application for a tentative carryback adjustment is filed under subsection (a), or from the last day of the month in which falls the last date prescribed by law (including any extension of time granted the taxpayer) for filing the return for the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit from which such carryback results, whichever is the later, the Secretary or his delegate shall make, to the extent he deems practicable in such period, a limited examination of the application, to discover omissions and errors of computation therein, and shall determine the amount of the decrease in the tax attributable to such carryback upon the basis of the application and the examination, except that the Secretary or his delegate may disallow, without further action, any application which he finds contains errors of computation which he deems cannot be corrected by him within such 90-day period or material omissions. Such decrease shall be applied against any unpaid amount of the tax decreased (including any amount of such tax as to which an extension of time under section 6164 is in effect) and any remainder shall be credited against any unsatisfied amount of any tax for the taxable year immediately preceding the taxable year of the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit the time for payment of which tax is extended under section 6164. Any remainder shall, within such 90-day period, be either credited against any tax or installment thereof then due from the taxpayer, or refunded to the taxpayer.

(c) *Consolidated returns.* If the corporation seeking a tentative carryback adjustment under this section, made or was required to make a consolidated return, either for the taxable year within which the net operating loss, net capital loss, unused investment credit, or unused work incentive program credit arises, or for the preceding taxable year, affected by such loss or credit, the provisions of this section shall apply only to such extent and subject to such conditions, limitations, and exceptions as the Secretary or his delegate may by regulations prescribe.

[Sec. 6411 as amended by sec. 2 (a), (b), (c), (d), and (e), Act of Nov. 2, 1966 (Public Law 89-721, 80 Stat. 1150); sec. 2(b), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 512(d), Tax Reform Act 1969 (83 Stat. 639); sec. 601(e) (1), Rev. Act 1971 (85 Stat. 560).]

PAR. 24. Section 301.6501(h) is amended by revising the heading of such section, the heading and subsection (h) of section 6501, and the historical note to read as follows:

§ 301.6501(h) Statutory provisions; limitations on assessment and collection; net operating loss or capital loss carrybacks.

SEC. 6501. *Limitations on assessment and collection.* * * *

(h) *Net operating loss or capital loss carrybacks.* In the case of a deficiency attributable to the application to the taxpayer of a net operating loss carryback or a capital loss carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b) (2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the net operating loss or net capital loss which results in such carryback may be assessed. In the case of a deficiency attributable to the application of a net operating loss carryback, such deficiency may be assessed within 18 months after the date on which the taxpayer files in accordance with section 172(b) (3) a copy of the certification (with respect to the taxable year of the net operating loss) issued under section 317 of the Trade Expansion Act of 1962, if later than the date prescribed by the preceding sentence.

[Sec. 6501(h) as added by sec. 81(b), Technical Amendments Act 1958 (72 Stat. 1668); and as amended by sec. 317(c), Trade Expansion Act 1962 (76 Stat. 890); sec. 512(e) (1) (A), (B), (C), and (D), Tax Reform Act 1969 (83 Stat. 640)]

PAR. 25. Section 301.6501(h)-1 is amended by revising such section and its heading to read as follows:

§ 301.6501(h)-1 Net operating loss or capital loss carrybacks.

In the case of a deficiency attributable to the application to the taxpayer of a net operating loss or capital loss carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b) (2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the net operating loss or net capital loss which results in such carryback may be assessed. In the case of a deficiency attributable to the application of a net operating loss carryback, such deficiency may be assessed within 18 months after the date on which the taxpayer files in accordance with section 172(b) (3) a copy of the certification (with respect to such taxable year) issued under section 317 of the Trade Expansion Act of 1962, if later than the date prescribed by the preceding sentence.

PAR. 26. Section 301.6501(j) is amended by revising section 6501(j) and the historical note to read as follows:

§ 301.6501(j) Statutory provisions; limitations on assessment and collection; investment credit carrybacks.

SEC. 6501. *Limitations on assessment and collection.* * * *

(j) *Investment credit carrybacks.* In the case of a deficiency attributable to the application to the taxpayer of an investment credit carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b) (2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the unused investment credit which results in such carryback may be assessed, or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or capital loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed.

[Sec. 6501(j) as added by sec. 2(e) (1), Rev. Act. 1962 (76 Stat. 971); and as amended by sec. 2(f), Act of Nov. 2, 1966 (Public Law 89-721, 80 Stat. 1150); sec. 2(c), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 512(e) (1) (E), Tax Reform Act 1969 (83 Stat. 640)]

PAR. 27. Section 301.6501(j)-1 is amended to read as follows:

§ 301.6501(j)–1 Investment credit carryback; taxable years ending after December 31, 1961.

With respect to taxable years ending after December 31, 1961, a deficiency attributable to the application to the taxpayer of an investment credit carryback may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the unused investment credit which results in such carryback may be assessed, or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss or capital loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed. For purposes of this section a deficiency shall include a deficiency which may be assessed pursuant to the provisions of section 6213(b)(2), but only those arising with respect to applications for tentative carryback adjustments filed after November 2, 1966.

PAR. 28. Section 301.6501(k) is redesignated as section 301.6501(l) and the historical note is revised. Such redesignated section and revised historical note read as follows:

§ 301.6501(l) Statutory provisions; limitations on assessment and collection; joint income return after separate return.

SEC. 6501. *Limitations on assessment and collection.* * * *

(l) *Joint income return after separate return.* For period of limitations for assessment and collection in the case of a joint income return filed after separate returns have been filed, see section 6013(b)(3) and (4).

[Sec. 6501(h) as redesignated by sec. 81(b), Technical Amendments Act 1958 (72 Stat. 1663); sec. 3(c), Act of Sept. 14, 1960 (Public Law 86–780, 74 Stat. 1013); sec. 2(e)(1), Rev. Act 1962 (76 Stat. 971); sec. 6501(k) as redesignated by sec. 3(b), Act of Sept. 2, 1964 (Public Law 88–571, 78 Stat. 857)]

PAR. 29. There is inserted immediately after section 301.6501(j)–1 the following new section:

§ 301.6501(k) Statutory provisions; limitations on assessment and collection; reductions of policyholders surplus account of life insurance companies.

SEC. 6501. *Limitations on assessment and collection.* * * *

(k) *Reductions of policyholders surplus account of life insurance companies.* In the case of a deficiency attributable to the application to the taxpayer of section 815(d)(5) (relating to reductions of policyholders surplus account of life insurance companies for certain unused deductions), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2) may be assessed.

[Sec. 6501(k) as added by sec. 3(b), Act of Sept. 2, 1964 (Public Law 88–571, 78 Stat. 858)]

PAR. 30. These are inserted immediately after redesignated section 301.6501(l) the following new sections:

§ 301.6501(m) Statutory provisions; limitations on assessment and collection; tentative carryback adjustment assessment period.

SEC. 6501. *Limitation on assessment and collection.* * * *

(m) *Tentative carryback adjustment assessment period.* In a case where an amount has been applied, credited, or refunded under section 6411 (relating to tentative carryback adjustments) by reason of a net operating loss carryback, a capital loss carryback, an investment credit carryback, or a work incentive program carryback to a prior taxable year, the period described in subsection (a) of this section for assessing a deficiency for such prior taxable year shall be extended to include the period described in subsection (h), (j), or (o), whichever is applicable; except that the amount which may be assessed solely by reason of this subsection shall not exceed the amount so applied, credited, or refunded under section 6411, reduced by any amount which may be assessed solely by reason of subsection (h), (j), or (o), as the case may be.

[Sec. 6501(m) as added by sec. 3(a), Act of Nov. 2, 1966 (Public Law 89–721, 80 Stat. 1151); and as amended by sec. 512(e)(1)(F), Tax Reform Act 1969 (83 Stat. 640); sec. 601(e)(2), Rev. Act 1971 (85 Stat. 560).]

§ 301.6501(m)–1 Tentative carryback adjustment assessment period.

(a) *Period of limitation after tentative carryback adjustment.* (1) Under section 6501(m), in a case where an amount has been applied, credited, or refunded under section 6411, by reason of a net operating loss carryback, a capital loss carryback, an investment credit carryback, or a work incentive program credit carryback to a prior taxable year, the period described in section 6501(a) of the Code for assessing a deficiency for such prior taxable year is extended to include the period described in section 6501 (h), (j), or (o), whichever is applicable; except that the amount which may be assessed solely by reason of section 6501(m) may not exceed the amount so applied, credited, or refunded under section 6411, reduced by any amount which may be assessed solely by reason of section 6501 (h), (j), or (o), as the case may be.

(2) The application of this paragraph may be illustrated by the following example:

Example. Assume that M Corporation, which claims an unused investment credit of $50,000 for the calendar year 1968, files an application under section 6411 of the Code for an adjustment of its tax for 1965, and receives a refund of $50,000 in 1969. In 1971, it is determined that the amount of the unused investment credit for 1968 is $30,000 rather than $50,000. Moreover, it is determined that M Corporation would have owed $40,000 of additional tax for 1965 if it had properly reported certain income which it failed to include in its 1965 return. Assuming that M Corporation filed its 1968 return on March 15, 1969, and that the 3-year period described in section 6501(a) has not been extended, the period prescribed in section 6501(j) for assessing the excessive amount refunded, $20,000 (*i.e.*, $50,000, original amount refunded less $30,000, correct amount of unused investment credit), does not expire until March 15, 1972, and $20,000 may be assessed on or before such date under section 6501(j). Under section 6501(m), M Corporation may be assessed on or before March 15, 1972, an amount not in excess of $30,000 ($50,000, the amount refunded under section 6411, minus $20,000, the amount which may be assessed solely by reason of section 6501(j)).

(b) *Effective date.* The provisions of paragraph (a) of this section apply only with respect to applications under section 6411 filed after November 2, 1966.

§ 301.6501(o) Statutory provisions; limitation on assessment and collection; work incentive program credit carrybacks.

SEC. 6501. *Limitation on assessment and collection.* * * *

(o) *Work incentive program credit carrybacks.* In the case of a deficiency attributable to the application to the taxpayer of a work incentive program credit carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b)(2)), such deficiency may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the unused work incentive program credit which results in such carryback may be assessed, or, with respect to any portion of a work incentive program credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed.

[Sec. 6501(o) as added by sec. 601(d)(1), Rev. Act 1971 (85 Stat. 558)]

§ 301.6501(o)–1 Work incentive program credit carrybacks, taxable years beginning after December 31, 1971.

With respect to taxable years beginning after December 31, 1971, a deficiency attributable to the application to the taxpayer of a work incentive program credit carryback (including deficiencies which may be assessed pursuant to the provisions of section 6213(b)(2)) may be assessed at any time before the expiration of the period within which a deficiency for the taxable year of the unused work incentive program credit which results in such carryback may be assessed, or, with respect to any portion of a work incentive program credit carryback from a taxable year attributable to a net operating loss or capital loss carryback from a subsequent taxable year, at any time before the expiration of the period within which a deficiency for such subsequent taxable year may be assessed.

PAR. 31. Section 6511(d) of section 301.6511(d) is amended by revising the heading of paragraph (2), by revising so much of subparagraph (A) as precedes clause (i) of such subparagraph and subparagraph (B) of paragraph (2), by revising paragraph (4)(A) of section 6511(d), by adding paragraphs (5), (6), and (7), and by revising the historical note. The amended and added provisions read as follows:

§ 301.6511(d) Statutory provisions; limitations on credit or refund; special rules applicable to income taxes.

SEC. 6511. *Limitations on credit or refund.* * * *

(d) *Special rules applicable to income taxes.* * * *

(2) *Special period of limitation with respect to net operating loss or capital loss carrybacks*—

(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback or a capital loss carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or the 39th month, in the case of a corporation) following the end of the taxable year of the net operating loss or net capital loss which results in such carryback, or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later; except that—

* * * * *

(B) *Applicable rules.* (i) If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback or a capital loss carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. If the allowance of an application, credit, or refund of a decrease in tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law other than section 7122, such application, credit, or refund may be allowed or made if application for a tentative carryback adjustment is made within the period provided in section 6411 (a). In the case of any such claim for credit or refund or any such application for a tentative carryback adjustment, the determination by any court, including the tax court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, or with respect to the determination of a short-term capital loss, and the effect of such short-term capital loss, to the extent that such deduction or short-term capital loss is affected by a carryback which was not an issue in such proceeding.

(ii) A claim for credit or refund for a computation year (as defined in section 1302 (c)(1)) shall be determined to relate to an overpayment attributable to a net operating loss carryback or a capital loss carryback, as the case may be, when such carryback relates to any base period year (as defined in section 1302(c)(3)).

* * * * *

(4) *Special period of limitation with respect to investment credit carrybacks*—(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment attributable to an investment credit carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the unused investment credit which results in such carryback (or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month, in the case of a corporation, following the end of such subsequent taxable year) or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

* * * * *

(5) *Special period of limitation with respect to self-employment tax in certain cases.* If the claim for credit or refund relates to an overpayment of the tax imposed by chapter 2 (relating to the tax on self-employment income) attributable to an agreement, or modification of an agreement, made pursuant to section 218 of the Social Security Act (relating to coverage of State and local employees), and if the allowance of a credit or refund of such overpayment is otherwise prevented by the operation of any law or rule of law other than section 7122 (relating to compromises), such credit or refund may be allowed or made if claim therefor is filed on or before the later of the following dates: (A) the last day of the second year after the calendar year in which such agreement (or modification) is agreed to by the State and the Secretary of Health, Education, and Welfare, or (B) December 31, 1965.

(6) *Special period of limitation with respect to reduction of policyholders surplus account of life insurance companies*—(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment arising by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 39th month following the end of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2), or the period prescribed in subsection (c), in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of overpayment arising by operation of section 815(d)(5).

(B) *Applicable rules.* If the allowance of a credit or refund of an overpayment arising by operation of section 815(d)(5) is otherwise prevented by operation of any law or rule of law, other than section 7122 (relating to compromises), such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the tax court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the effect of the operation of section 815(d)(5), to the extent such effect of the operation of section 815(d)(5) was not in issue in such proceeding.

(7) *Special period of limitation with respect to work incentive program credit carrybacks*—(A) *Period of limitation.* If, the claim for credit or refund relates to an overpayment attributable to a work incentive program credit carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the unused work incentive program credit which results in such carryback (or, with respect to any portion of a work incentive program credit carryback from a taxpayer year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, the period shall be that period which ends with the expiration of the 15th day of the 40th month, or 39th month, in the case of a corporation, following the year of such taxable year) or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

(B) *Applicable rules.* If the allowance of a credit or refund of an overpayment of tax attributable to a work incentive program credit carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. In the case of any such claim for credit or refund, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall not be conclusive with respect to the work incentive program credit, and the effect of such credit, to the extent that such credit is affected by a carryback which was not in issue in such proceeding.

[Sec. 6511(d) as amended by sec. 82(d), Technical Amendments Act 1958 (72 Stat. 1668); sec. 1(a), Act of Sept. 16, 1959 (Public Law 86-280, 73 Stat. 563); sec. 317(d), Trade Expansion Act of 1962 (76 Stat. 891); sec. 2(e)(2), Rev. Act 1962 (76 Stat. 971); sec. 232(d) and sec. 239, Rev. Act 1964 (78 Stat. 111, 128); sec. 3(c), Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 858); sec. 2(d), Act of December 27, 1967 (Public Law 90-225, 81 Stat. 731); sec. 311(d)(3) and sec. 512(e)(2), Tax Reform Act 1969 (83 Stat. 588, 640); sec. 601(d)(2), Rev. Act 1971 (85 Stat. 558)]

PAR. 32. Section 301.6511(d)(2), is amended by revising the heading and paragraphs (a) and (b)(1) thereof to reads as follows:

§ 301.6511(d)-2 Overpayment of income tax on account of net operating loss or capital loss carrybacks.

(a) *Special period of limitation.* (1) If the claim for credit or refund relates to an overpayment of income tax attributable to a net operating loss carryback (provided in section 172(b)), or a capital loss carryback (provided in section 1212(a)), then in lieu of the 3-year period from the time the return was filed in which the claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be whichever of the following two periods expires later:

(i) The period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the net operating loss or net capital loss which resulted in the carryback; or

(ii) The period which ends with the expiration of the period prescribed in section 6511(c) within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss or net capital loss which resulted in the carryback except that—

(*a*) With respect to an overpayment attributable to a net operating loss carryback to any year on account of a certification issued to the taxpayer under section 317 of the Trade Expansion Act

of 1962, the period shall not expire before the expiration of the sixth month following the month in which such certification is issued to the taxpayer, and

(b) With respect to an overpayment attributable to the creation of, or an increase in, a net operating loss as a result of the elimination of excessive profits by a renegotiation (as defined in section 1481(a)(1)(A)), the period shall not expire before September 1, 1959, or the expiration of the 12th month following the month in which the agreement or order for the elimination of such excessive profits becomes final, whichever is the later.

(2) In the case of a claim for credit or refund involving a net operating loss or capital loss carryback described in subparagraph (1) of this paragraph, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 6511 (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the carryback. If the claim involves an overpayment based not only on a net operating loss or capital loss carryback described in subparagraph (1) of this paragraph but based also on other items, the credit or refund cannot exceed the sum of the following:

(i) The amount of the overpayment which is attributable to the net operating loss or capital loss carryback, and

(ii) The balance of such overpayment up to a limit of the portion, if any, of the tax paid within the period provided in section 6511 (b)(2) or (c), or within the period provided in any other applicable provision of law.

(3) If the claim involves an overpayment based not only on a net operating loss or capital loss carryback described in subparagraph (1) of this paragraph but based also on other items, and if the claim with respect to any items is barred by the expiration of any applicable period of limitation, the portion of the overpayment attributable to the items not so barred shall be determined by treating the allowance of such items as the first adjustment to be made in computing such overpayment. If a claim for credit or refund is not filed, and if credit or refund is not allowed, within the period prescribed in this paragraph, then credit or refund may be allowed or made only if claim therefor is filed, or if such credit or refund is allowed, within the period prescribed in section 6511 (a), (b), or (c), whichever is applicable, subject to the provisions thereof limiting the amount of credit or refund in the case of a claim filed, or if no claim was filed, in case of credit or refund allowed, within such applicable period. For the limitations on the allowance of interest for an overpayment where credit or refund is subject to the provisions of this section, see section 6611(f).

(b) (1) *Barred overpayments.* If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback or capital loss carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511(d)(2)(B) if a claim therefor is filed within the period provided by section 6511(d)(2)(A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. Similarly, if the allowance of an application, credit, or refund of a decrease in the tax determined under section 6411(b) is otherwise prevented by the operation of any law or rule of law (other than section 7122), such application, credit, or refund may be allowed or made if an application for a tentative carryback adjustment is filed within the period provided in section 6411(a). Thus, for example, even though the tax liability (not including the net operating loss deduction or capital loss carryback (or the effect of such deduction or carryback)) for a given taxable year has previously been litigated before the Tax Court, credit or refund of an overpayment may be allowed or made despite the provisions of section 6512(a), if claim for such credit or refund is filed within the period provided in section 6511(d)(2)(A) and paragraph (a) of this section. In the case of a claim for credit or refund of an overpayment attributable to a carryback, or in the case of an application for a tentative carryback adjustment, the determination of any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, or with respect to the determination of a short-term capital loss, and the effect of such short-term capital loss, to the extent that such deduction or short-term capital loss is affected by a carryback which was not in issue in such proceeding.

* * * * *

PAR. 33. Section 301.6511(d)-4 is amended by revising subdivision (i) of paragraph (a)(1) to read as follows:

§ 301.6511(d)-4 Overpayment of income tax on account of investment credit carryback.

(a) *Special period of limitation.* (1) * * *

(i) The period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of the taxable year of the unused investment credit which resulted in the carryback (or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, the period which ends with the expiration of the 15th day of the 40th month (or 39th month, in the case of a corporation) following the end of such subsequent taxable year); or

* * * * *

PAR. 34. There is inserted immediately after § 301.6511(d)-6 the following new section:

§ 301.6511(d)-7 Overpayment of income tax on account of work incentive program credit carryback.

(a) *Special period of limitation.* (1) If the claim for credit or refund related to an overpayment of income tax attributable to a work incentive program (WIN) able carryback, provided in section 50A, then in lieu of the 3-year period from the time the return was filed in which the claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be whichever of the following 2 periods expires later:

(i) The period which ends with the expiration of the fifteenth day of the fortieth month (or thirty-ninth month, in the case of a corporation) following the end of the taxable year of the unused WIN credit which resulted in the carryback (or, with respect to any portion of a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, the period which ends with the expiration of the fifteenth day of the fortieth month (or thirty-ninth month in the case of a corporation) following the end of such subsequent taxable year); or

(ii) The period which ends with the expiration of the period prescribed in section 6511(c) within which a claim for credit or refund may be filed with respect to the taxable year of the unused WIN credit which resulted in the carryback.

(2) In the case of a claim for credit or refund involving a WIN credit carryback described in paragraph (a)(1) of this section, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 6511 (b)(2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the carryback. If the claim involves an overpayment based not only on a WIN credit carryback described in paragraph (a)(1) of this section but based also on other items, the credit or refund cannot exceed the sum of the following:

(i) The amount of the overpayment which is attributable to the WIN credit carryback, and

(ii) The balance of such overpayment up to a limit of the portion, if any, of the tax paid within the period provided in section 6511 (b)(2) or (c), or within the period provided in any other applicable provision of law.

(3) If the claim involves an overpayment based not only on a WIN credit carryback described in paragraph (a)(1) of this section but based also on other items, and if the claim with respect to any items is barred by the expiration of any applicable period of limitation, the portion of the overpayment attributable to the items not so barred shall be determined by treating the allowance of such items as the first adjustment to be made in computing such overpayment. If a claim for credit or refund is not filed, and if credit or refund is not allowed, within the period prescribed in this paragraph, then credit or refund may be

allowed or made only if claim therefor is filed, or if such credit or refund is allowed, within the period prescribed in section 6511 (a), (b), or (c), whichever is applicable, subject to the provisions thereof limiting the amount of credit or refund in the case of a claim filed, or if no claim was filed, in case of credit or refund allowed, within such applicable period. For the limitations on the allowance of interest for an overpayment where credit or refund is subject to the provisions of this section, see section 6611(f).

(b) *Barred overpayments.* If the allowance of a credit or refund of an overpayment of tax attributable to a WIN credit carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511(d)(7)(B) if a claim therefor is filed within the period provided by section 6511(d)(7)(A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. In the case of a claim for credit or refund of an overpayment attributable to a carryback, the determination of any court, including the Tax Court, in any proceeding in which the decision of the courts has become final, shall not be conclusive with respect to the WIN credit, and the effect of such credit, to the extent that such credit is affected by a carryback which was not in issue in such proceeding.

PAR. 35. Section 301.6601 is amended by revising subsection (e) of section 6601 and the historical note to read as follows:

§ 301.6601 Statutory provisions; interest or underpayment, nonpayment, or extensions of time for payment, of tax.

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment, of tax.*

* * * * *

(e) *Income tax reduced by carryback or adjustment for certain unused deductions*—(1) *Net operating loss or capital loss carryback.* If the amount of any tax imposed by subtitle A is reduced by reason of a carryback or a net operating loss or net capital the computation of interest under this section for the period ending with the last day of the taxable year in which the net operating loss or net capital loss arises.

(2) *Investment credit carryback.* If the credit allowed by section 38 for any taxable year is increased by reason of an investment loss, such reduction in tax shall not affect credit carryback, such increase shall not affect the computation of interest under this section for the period ending with the last day of the taxable year in which the investment credit carryback arises, or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such increase shall not affect the computation of interest under this section for the period ending with the last day of such subsequent taxable year.

(3) *Adjustment for certain unused deductions of life insurance companies.* If the amount of any tax imposed by subtitle A is reduced by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such reduction in tax shall not affect the computation of interest under this section for the period ending with the last day of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2).

(4) *Work incentive program credit carryback.* If the credit allowed by section 40 for any taxable year is increased by reason of a work incentive program credit carryback, such increase shall not affect the computation of interest under this section for the period ending with the last day of the taxable year in which the work incentive program credit carryback arises, or, with respect to any portion of a work incentive program carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such increase shall not affect the computation of interest under this section for the period ending with the last day of such subsequent taxable year.

* * * * *

[Sec. 6601 as amended by secs. 66(c), 83(a)(1), 84(a), Technical Amendments Act 1958 (72 Stat. 1658, 1663, 1664); sec. 206(e), Small Business Tax Revision Act 1958 (72 Stat. 1685); sec. 203(c)(2), Federal-Aid Highway Act 1961 (75 Stat. 126); sec. 2(e)(3), Rev. Act 1962 (76 Stat. 972); sec. 3(d), Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 857); sec. 1(f), Act of Apr. 8, 1966 (Pub. Law 89-384, 80 Stat. 104); sec. 2(e), Act of Dec. 27, 1967 (Pub. L. 90-225, 81 Stat. 731); sec. 2(e), Act of Aug. 7, 1969 (Pub. L. 91-53, 83 Stat. 92); sec. 512(e)(3), Tax Reform Act 1969 (83 Stat. 641); sec. 601(d)(3), Rev. Act 1971 (85 Stat. 558)]

PAR. 36. Section 301.6601-1 is amended by revising paragraph (e) to read as follows:

§ 301.6601-1 Interest on underpayments.

* * * * *

(e) *Income tax reduced by carryback.* (1) The carryback of a net operating loss, net capital loss, investment credit, or a work incentive program (WIN) credit shall not affect the computation of interest on any income tax for the period commencing with the last day prescribed for the payment of such tax and ending with the last day of the taxable year in which the loss or credit arises. For example, if the carryback of a net operating loss, a net capital loss, an investment credit, or a WIN credit to a prior taxable period eliminates or reduces a deficiency in income tax for that period, the full amount of the deficiency will nevertheless bear interest at the rate of 6 percent per annum from the last date prescribed for payment of such tax until the last day of the taxable year in which the loss or credit arose. Interest will continue to run beyond such last day on any portion of the deficiency which is not eliminated by the carryback. With respect to any portion of an investment credit carryback or a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such investment credit carryback or WIN credit carryback shall not affect the computation of interest on any income tax for the period commencing with the last day prescribed for the payment of such tax and ending with the last day of such subsequent taxable year.

(2) Where an extension of time for payment of income tax has been granted under section 6164 to a corporation expecting a net operating loss carryback or a net capital loss carryback, interest is payable at the rate of 6 percent per annum on the amount of such unpaid tax from the last date prescribed for payment thereof without regard to such extension.

(3) Where there has been an allowance of an overpayment attributable to a net operating loss carryback, a capital loss carryback, an investment credit carryback, or a WIN credit carryback and all or part of such allowance is later determined to be excessive, interest shall be computed on the excessive amount from the last day of the year in which the net operating loss, net capital loss, investment credit, or WIN credit arose until the date on which the repayment of such excessive amount is received. Where there has been an allowance of an overpayment with respect to any portion of an investment credit carryback or a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year and all or part of such allowance is later determined to be excessive, interest shall be computed on the excessive amount from the last day of such subsequent taxable year until the date on which the repayment of such excessive amount is received.

* * * * *

PAR. 37. Section 301.6611 is amended by revising subsections (e) and (f) of section 6611 and the historical note to read as follows:

§ 301.6611 Statutory provisions, interest on overpayments.

SEC. 6611. *Interest on overpayments.* * * *

(e) *Income tax refund within 45 days after return is filed.* If any overpayment of tax imposed by subtitle A is refunded within 45 days after the last date prescribed for filing the return of such tax (determined without regard to any extension of time for filing the return) or, in case the return is filed after such last date, is refunded within 45 days after the date the return is filed, no interest shall be allowed under subsection (a) on such overpayment.

(f) *Refund of income tax caused by carryback or adjustments for certain unused deductions*—(1) *Net operating loss or capital loss carryback.* For purposes of subsection (a), if any overpayment of tax imposed by subtitle A results from a carryback of a net operating loss or net capital loss, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such net operating loss or net capital loss arises.

(2) *Investment credit carryback.* For purposes of subsection (a), if any overpayment of tax imposed by subtitle A results from an investment credit carryback, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such investment credit carryback arises, or, with respect to any portion of an investment credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such overpayment shall be

deemed not to have been made prior to the close of such subsequent taxable year.

(3) *Adjustment for certain unused deductions of life insurance companies.* For purposes of subsection (a), if any overpayment of tax imposed by subtitle A arises by operation of section 815(d)(5) (relating to reduction of policyholders surplus account of life insurance companies for certain unused deductions), such overpayment shall be deemed not to have been made prior to the close of the last taxable year to which the loss described in section 815(d)(5)(A) is carried under section 812(b)(2).

(4) *Work incentive program credit carryback.* For purposes of subsection (a), if any overpayment of tax imposed by subtitle A results from a work incentive program credit carryback, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such work incentive program credit carryback arises, or, with respect to any portion of a work incentive program credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made prior to the close of such subsequent taxable year.

* * * * *

[Sec. 6611 as amended by secs. 42(b) and 83 (b) and (c), Technical Amendments Act 1958 (72 Stat. 1640, 1664); sec. 2(e)(4), Rev. Act 1962 (76 Stat. 972); sec. 3(e), Act of Sept. 2, 1964 (Public Law 88-571, 78 Stat. 858); sec. 1(a), Act of Nov. 2, 1966 (Public Law 89-721, 80 Stat. 1150); sec. 2(f), Act of Dec. 27, 1967 (Public Law 90-225, 81 Stat. 732); sec. 512(e)(4), Tax Reform Act 1969 (83 Stat. 641); sec. 601(d)(4), Rev. Act 1971 (85 Stat. 559)]

PAR. 38. Section 301.6611-1 is amended by revising paragraphs (e) and (j) to read as follows:

§ 301.6611-1 Interest on overpayments.

* * * * *

(e) *Refund of income tax caused by carryback.* If any overpayment of tax imposed by subtitle A of the Code results from the carryback of a net operating loss, a net capital loss, an investment credit, or a work incentive (WIN) credit, such overpayment, for purposes of this section, shall be deemed not to have been made prior to the end of the taxable year in which the loss or credit arises, or, with respect to any portion of an investment credit carryback or a WIN credit carryback from a taxable year attributable to a net operating loss carryback or a capital loss carryback from a subsequent taxable year, such overpayment shall be deemed not to have been made prior to the close of such subsequent taxable year.

* * * * *

(j) *Refund within 45 days.* No interest shall be allowed on any overpayment of tax imposed by subtitle A of the Code if such overpayment is refunded—

(1) In the case of a return filed on or before the last date prescribed for filing the return of such tax (determined without regard to any extension of time for filing such return), within 45 days after such last date, or

(2) After December 17, 1966, in the case of a return filed after the last day prescribed for filing the return, within 45 days after the date on which the return is filed.

[FR Doc.74-286 Filed 1-8-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Implementation of Second Step of Refinery Incentive Plan—Petroleum Prices

Pursuant to the authority of Executive Orders 11695 and 11730 and Cost of Living Council Delegation Order No. 47, and Executive Order 11748, the Federal Energy Office hereby adopts the amendments proposed to be made by the Cost of Living Council to Subpart L of the Cost of Living Council Phase IV Price regulations which implement the second step of the refinery incentive plan. These amendments, adopted by reference in the provisions of Title 10, Code of Federal Regulations Chapter II, are effective immediately and apply to January 1974 price calculations.

The amendments, adopted in substantially the form proposed, set forth a schedule for a refiner's computation of base prices for middle distillate fuels by specifying a permitted price increase in relation to the refiner's increases in distillate production.

After receiving public comment, the incentive rule stated in § 150.357(d)(1) was modified to make clear that a refiner which increases its prices of middle distillate by increasing production of middle distillate must do so by decreasing the production of gasoline. The change is intended to specify that increases in the production of middle distillates are to occur relative to gasoline production, while output of heavier, high value petroleum products should remain constant. The price increments set forth in the matrix, therefore, may not be applied if the increase in production of middle distillates is accomplished at the expense of the production of such products as residual fuels, petrochemical feedstocks or lubricants. Accordingly, corresponding definitions to explain these changes have been added in § 150.357.

A second change in the rule provides that a refiner may apply the full monetary amount set forth in the matrix while offsetting any resulting increase in total revenues by a decrease in its gasoline prices. As originally proposed, a refiner was required to apply only that portion of the price adjustment specified in the matrix which would not result in any increase in total revenues.

The final change made to the proposed rule appears in the matrix of § 150.357(d)(2). Originally the matrix allowed price increases only for increases in distillate yields above 20 percent. Comments received indicated that application of the matrix at lower percentages of distillate yield would encourage refiners whose middle distillate yield is less than 20 percent, to increase that yield. To accommodate such a situation, the matrix has been extended so that refiners producing 10 percent or more distillate yield may use the matrix structure to increase their production.

As stated in the notice of proposed rulemaking, application of the matrix is not designed to provide any increase in a refiner's total revenues. Since some refineries are operating under different economic parameters than that of the refinery model used to design the matrix, application of the full amount permitted by the matrix would create windfall profits for them. Thus, § 150.357(d)(1) as proposed limited a refiner's increase in price due to increased production of middle distillates to that portion of the amounts specified in the matrix which would not cause any increase in total revenues. Section 150.357(d)(1) as adopted is changed to allow a refiner the option if either using less than the full amount permitted by the matrix as proposed, or by using the full amount and offsetting it by decreases in gasoline prices in order to assure there is no increase in total revenues.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489 Cost of Living Council Order No. 47, 38 FR ———, Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 11748, 38 FR 33575.)

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, and effective immediately.

Issued in Washington, D.C., on December 28, 1973.

JOHN SAWHILL,
Deputy Administrator,
Federal Energy Office.

1. Section 150.355 is amended in paragraph (g)(1)(i) to read as follows:

§ 150.355 Price rule: Refiners.

* * * * *

(g) *Base price*—(1) *General rule.* (i) The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus (A) increased product costs incurred between the month of measurement and the month of May 1973 and measured pursuant to the provisions of § 150.356 and (B) the refiner incentive factor calculated and permitted pursuant to the provisions of § 150.357. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973.

* * * * *

2. Section 150.355 is amended in paragraph (g)(2)(i) to read as follows:

§ 150.355 Price rule: Refiners.

* * * * *

(g) *Base price.* * * *

(2) *Special products.* (i) Notwithstanding the general rule in paragraph (g)(1) of this section, in computing the base price for special products for each month beginning with January 1974, a refiner may use adjusted May 15, 1973 selling prices for No. 2 heating oil and No. 2-D diesel fuel, and must use adjusted May 15, 1973 selling prices for gasoline. In computing base prices for special products, a refiner may not increase its May 15, 1973 selling price to each class of purchaser more than once

in any calendar month to reflect the increased product costs allowable pursuant to the provisions of § 150.356, the adjustment specified in paragraph (g)(2)(ii) of this section, or the incentive factor permitted pursuant to § 150.357, but may implement the increase on any day during that month.

* * * * *

3. Section 150.357 is added to read as follows:

§ 150.357 Refiner's incentive factor.

(a) *Scope.* This section sets forth an incentive plan designed to increase the yield of middle distillates by allowing an increase in May 15, 1973 selling prices for middle distillates in proportion to the increase in yield of middle distillate products.

(b) *Applicability.* This section prescribes the requirements governing the inclusion of the incentive factor in a refiner's adjusted May 15, 1973 selling prices used to compute its base prices of middle distillates pursuant to § 150.355(g).

(c) *Definition.* For purposes of this section—

"Adjusted base percentage distillate yield" means the higher of either (i) the base percentage distillate yield or (ii) the ratio which the maximum economic distillate production bears to estimated crude runs to stills in the current month.

"Base percentage distillate yield" means the ratio which the total number of barrels of middle distillates produced by the refiner in December 1973, bears to the refiner's total crude runs to stills in that month and expressed as a percentage.

"Base percentage yield" means the ratio which the total number of barrels of middle distillates plus gasoline produced by the refiner in December 1973 bears to the refiner's total crude runs to stills in that month and expressed as a percentage.

"Crude runs to stills" means the total barrels of refinery input to crude oil distillation units processed by the refiner and measured in accordance with Bureau of Mines form 6–1300–M.

"Crude capacity" means the operable refinery capacity of all of the refiner's refineries for the current month, expressed in terms of the maximum number of barrels of input to crude oil distillation units that can be processed during the current month, calculated and measured in accordance with the conditions and stipulations described in Bureau of Mines form 6–1300–M.

"Current month" means the calendar month in which the adjustment to May 15, 1973 selling prices are to be applied.

"Current percentage distillate yield" means the ratio which the estimated total number of barrels of middle distillates to be produced by the refiner in the current month bears to the refiner's total estimated crude runs to stills in the current month and expressed as a percentage.

"Current percentage yield" means the ratio which the estimated total number of barrels of middle distillate plus gasoline to be produced by the refiner in the current month bears to the refiner's total estimated crude runs to stills in the current month and expressed as a percentage.

"Maximum economic distillate production" means the total number of barrels of middle distillates that would have to be produced by the refiner in the current month (without any change in the base percentage yield) in order to maximize profits using May 15, 1973 selling prices plus the increased cost allowable in the period of measurement pursuant to § 150.356, and the adjustment to May 15, 1973 selling prices pursuant to § 150.355(g).

"Middle distillates" means No. 1 and 2 heating oil, Nos. 1–D, 2–D and 4–D diesel fuels, No. 4 fuel oil, kerosene and aviation turbine fuel.

"Percentage of refinery capacity operated" means the ratio which estimated crude runs to stills bears to crude capacity in the current month.

"Residual fuel oil" means those fuel oils commonly known as Nos. 5 and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling point over 700° F. in the ASTM D 86 standard distillation test.

(d) *Rule*—(1) *Middle distillates.* In computing base prices under § 150.355(g) for middle distillates for a particular month beginning with January, 1974, a refiner whose current percentage distillate yield exceeds the adjusted base percentage distillate yield may add to the adjusted May 15, 1973 selling prices for each middle distillate a maximum amount determined according to the matrix in paragraph (d)(2) of this section: *provided,* That

(i) The refiner's current percentage yield is not greater than its base percentage yield and that (ii) if the application of the matrix in the current month would result in an increase in total revenues, the refiner must either (A) implement in the current month only that part of the amount shown on the matrix which does not result in an increase in the refiner's total revenues because of the application of the matrix, or (B) reduce the selling price of gasoline in the current month equally to each class of purchaser to the extent necessary to assure that there is no increase in the refiner's total revenues because of the application of the matrix.

(2) *Matrix.* The matrix shown below is the table to be used in applying the price rule of paragraph (d)(1) of this section. Application of the matrix may be illustrated as follows:

Refiner R, operating at 78 percent of refinery capacity, produced a middle distillate yield during December 1973 of 24 percent of the total crude runs to stills. R's adjusted base percentage distillate yield is 27 percent. By January 1, 1974, R estimates an increase in production of middle distillate so that its "current percentage distillate yield" is 30 percent.

To determine the maximum allowable increase from the matrix which R may use in computing its base prices for January 1974, R first locates the entry corresponding to the percent of refinery capacity operated and moves across that row to the appropriate "cell" for its adjusted base percentage distillate yield. R then continues along that row horizontally, accumulating the value in each *new* "cell" entered until reaching the "cell" located in the column corresponding to R's current percentage distillate yield. (R does *not* include the value shown in the starting "cell", but does include the value shown in the ending "cell".) Using this method, R's computations are as follows:

(1) Starting at row "less than 80" under the caption "percentage of refinery capacity operated", move to "cell" at column "27" under the caption "Percentage of distillate yield on crude runs to stills";

(2) Move along that same row horizontally, accumulating the values shown:

.52¢ (or $.0052) (under column "28").
+.50¢ (or $.0050) (under column "29").
+.50¢ (or $.0050) (under column "30").
1.52¢ (or $.0152 per gallon=the maximum allowable incentive amount which R may use to compute January 1974 base prices for middle distillates.

INCENTIVE MATRIX—DISTILLATE PRODUCTION, ALLOWABLE INCREASES IN MAY 15 SELLING PRICES FOR REFINER'S DISTILLATE YIELDS

[Fraction of a cent per gallon]

Percentage of refinery capacity operated	Percentage distillate yield on crude runs to stills														
	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
0 to 80	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.53	0.52	0.52	0.52	0.52	0.52	0.52	0.52
80 to 90	.52	.51	.51	.51	.51	.51	.50	.50	.50	.50	.50	.50	.50	.50	.50
90 to 95	.46	.46	.46	.46	.46	.46	.46	.46	.45	.45	.45	.45	.45	.45	.45
More than 95	.18	.21	.23	.25	.27	.28	.29	.30	.30	.31	.31	.33	.36	.36	.38

Percentage of refinery capacity operated	Percentage distillate yield on crude runs to stills														
	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
0 to 80	0.52	0.52	0.52	0.50	0.50	0.50	0.50	0.50	0.48	0.48	0.45	0.45	0.45	0.45	0.45
80 to 90	.48	.48	.48	.48	.48	.48	.48	.45	.45	.45	.45	.45	.45	.45	.45
90 to 95	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45	.45
More than 95	.40	.40	.40	.43	.43	.43	.43	.43	.45	.45	.45	.45	.45	.45	.45

4. Section 150.363 is amended in paragraph (a)(2) by adding a sentence to read as follows:

§ 150.363 Reports and recordkeeping.

(a) *Reports.* * * *

(2) *Refiners, retailers, and resellers.* Each refiner shall submit monthly reports concerning increased percentage production yields and prices of middle distillates and production levels of residual fuel oils under § 150.347 in accordance with forms and instructions issued by the Council.

[FR Doc.74-392 Filed 1-2-74;12:22 p.m.]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Manufactured Feeds—Price and Pay Exemption

The purpose of this amendment is to exempt the sale of manufactured feeds from Phase IV price regulations and to add a parallel exemption under the Phase IV pay regulations.

The Council's decision to permit the price exemption was made in response to a request for decontrol by the feed manufacturing industry. The Council believes that the competitive nature of the manufactured feed market will not permit excessive increases in gross margins after decontrol.

In accordance with the practice in Phase IV, the Council has decided that the price exemption should not apply to the feed manufacturing firms as such but should be limited to the prices of manufactured feed products. Under the Council's regulations a firm which has sales that become exempt remains subject to reporting requirements and profit margin constraints unless during its most recent fiscal year it derived both less than $50 million in revenues from the sale or lease of non-exempt items and 90% or more of revenues from sales of exempt items or exempt sales. Most firms engaged in feed manufacturing activities will, therefore, continue to report quarterly with respect to profit margin and with respect to cost-justification for price increases on non-exempt items.

The decision to exempt prices of manufactured feeds was based in part upon the fact that manufactured feeds are sold to livestock and poultry producers and sales by those producers are largely exempt under § 150.52. It has been the consistent policy of the Council since the beginning of the Economic Stabilization Program generally to exempt the first sale of raw agricultural products (including livestock and poultry) or all sales until processing occurs. It is consistent with this policy that an agricultural "raw material" for the production of livestock and poultry should also be exempt (even though processed) since these items are used at an even earlier stage in the chain of food production and distribution.

Since feed manufacturers can already pass through their cost increases under the Phase IV regulations, the only possible adverse economic effect of decontrol would be increased prices for manufactured feeds which reflected substantially increased profit markins in addition to increased costs. However, the Council believes that this possibility is constrained by the competitive character of the feed manufacturing industry. The largest feed grain concern produces only 10 percent of total output and approximately 7 percent of total production comes from small business and regional cooperatives. The largest feed manufacturing firms have, nevertheless, agreed to submit special reports pursuant to § 150.162, in addition to quarterly reports otherwise required, which will enable the Council to monitor gross margins on feed revenues.

To effect the price exemption the Council has added a new paragraph (x) to § 150.54 covering prices charged for products listed in the 1972 SIC Manual, Code 2048, which are produced for use as or in manufactured feeds for animals or fowls. To conform to this change, the Council has also amended the list of non-exempt items in § 150.52(a) to exclude "mixed feeds" and other feed grains previously listed as examples of items which were non-exempt because processed.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the feed manufacturing industry. The exemption is set forth in a new § 152.40. The exemption is inapplicable to any such employee who receives an item of executive or variable compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the feed manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the feed manufacturing industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

The Council retains the authority to reestablish controls if price or pay behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.25, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

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

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth below, effective December 28, 1973.

Issued in Washington, D.C., on December 28, 1973.

JAMES W. MCLANE,
Deputy Director.

§ 150.52 [Amended]

1. Section 150.52(a) is amended by deleting the item "Mixed feed." where it occurs in the list of examples of non-exempt items opposite "Hay and dehydrated alfalfa."

2. Section 150.52(a) is further amended by deleting the items "Mixed feed.", "Cracked corn.", "Rolled barley." and "Rolled oats." where they appear opposite "Feed grains" and substituting therefor "Grain processed for human ingestion, such as rolled oats."

3. A new paragraph (x) is added to § 150.54 as follows:

§ 150.54 Certain price adjustments.

* * * * *

(x) *Manufactured feeds.* Prices charged by feed manufacturers for products listed in the Standard Industrial Classification Manual, 1972 edition, under Industry Code 2048, which are produced for use as or in manufactured feeds for animals and fowls, are exempt.

4. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.40 to read as follows:

§ 152.40 Feed manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the feed maufacturing industry or in support thereof are exempt from and not included in the coverage of this title.

(b) *Establishment in the feed manufacturing industry.* For purposes of this section, "Establishment in the feed manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industrial Code 2048 (Prepared Feeds and Feed Ingredients for Animals and Fowls, Not Elsewhere Classified) and primarily engaged in the manufacture of feed.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the feed manufacturing industry or in support thereof only if such employee is employed at an establishment in the feed manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of executive or variable compensation subject to the provisions of Subpart K of this part, other than an item of executive or variable compensation pursuant to a plan or program subject to § 152.127;

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130); or

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the feed manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the feed manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the feed manufacturing industry or in support thereof within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit of which 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the feed manufacturing industry or in support thereof.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after December 28, 1973.

[FR Doc.73-27334 Filed 12-28-73;5:10 pm]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Subpart K—Executive and Variable Compensation

MISCELLANEOUS AMENDMENTS

Part 152 is amended in Subpart K to make various technical and clarifying changes in the rules for executive and variable compensation. These changes largely reflect the Council's response to numerous comments and questions received since the publication of Subpart K on October 26, 1973.

Section 152.124(c)(1)(i) is amended to make clear that the term "first plan year" refers to the plan year immediately succeeding the three or fewer plan years that may be selected pursuant to paragraph (c)(4)(i) of this section, regardless of whether there were payments in that year or not.

Section 152.124 is further amended in paragraph (f)(1) to indicate that the allowable amount determined in accordance with paragraphs (c) and (d) of this section shall not exceed the aggregate maximum amount of incentive compensation under a plan which is determined according to a definite method or clear formula. This change was necessitated in part since, in section 152.130(e)(1), the formula for apportioning the amount of incentive compensation paid pursuant to the plan between the members of the executive control group and the entire plan unit is based on the allowable amount determined pursuant to section 152.124. Thus, for example, if the amount generated by the operation of a plan's formula is less than the amount generated by the computations in paragraphs (c) and (d) of § 152.124, it is the formula amount which is apportioned to the members of the executive control group.

Section 152.125(c)(1)(i) is amended in the same manner as § 152.124(c)(1)(i). Section 152.125 is further amended in paragraph (f) by the addition of a new paragraph (f)(1) and the renumbering of present paragraphs (f)(1) and (f)(2) as paragraphs (f)(2) and (f)(3), respectively. The purpose of new paragraph (f)(1) is to indicate that the allowable amount determined in accordance with paragraphs (c) and (d) of this section shall not exceed the amount of payment, award, or grant determined by application of the applicable formula set forth in paragraph (b)(1) of this section. This is similar to the change in section 152.124(f)(1) since the apportionment for incentive compensation plans described above is also required for incentive compensation practices. As a result of this change, the last sentence of paragraph (b)(1)(iii) of this section is superseded and is deleted.

In § 152.130(c)(1), a clarifying change is made providing that in determining membership in an executive control group, the term "officer" would not include officers listed in SEC Rule 3b-2 if such officers perform duties principally involving the rendering of services to selected clients or customers of the firm. Section 152.130 is further amended in paragraph (c)(6) to make clear that the four-year base period pursuant to paragraph (c)(6)(i) consists of the three years from which a base year could have been selected pursuant to § 152.124 plus the next succeeding plan or practice year. Also, paragraph (c)(6)(iii) is added to clarify the alternative base period for a plan or practice established after November 13, 1971, and referred to in § 152.124(b)(2) or § 152.125(b)(2).

Section 152.130 is further amended in paragraph (c)(9)(ii)(E) to indicate that only the issuance of those securities with respect to which the issuer regularly solicits proxies, consents, or authorizations, or regularly furnishes information pursuant to section 14(c) of the Securities Exchange Act of 1934 subjects a controlled firm to the requirement that it designate an executive control group.

Paragraph (d)(6) of § 152.130 is amended to make clear that salaries received pursuant to an existing (pre-Phase II) contract are excluded from ECG salary limitation computations only if the contract provides for a salary increase.

Since the purpose of these amendments is to clarify those rules previously published, these amendments shall be effective August 29, 1973, the date on which the prior rules were effective.

Because the immediate implementation of Executive Order 11730 is required, and because the purpose of these regulations, is to provide immediate guidance as to Cost of Living Council decisions, the Council finds that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

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

In consideration of the foregoing, Part 152 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective on August 29, 1973.

Issued in Washington, D.C. this 28th day of December 1973.

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

PARAGRAPH 1. In 6 CFR Part 152, § 152.124 is amended in paragraphs (c)(1)(i) and (f)(1) to read as follows:

§ 152.124 Incentive compensation plans.

* * * * *

(c) *Computation of allowable amount*—(1) *First plan year.* (i) *Plans described in paragraph (b)(1) of this section.* The allowable amount of any item of incentive compensation granted to the employees in a plan unit under a plan described in paragraph (b)(1) of this section with respect to the first plan year immediately succeeding the three or fewer plan years from which the base year may be selected pursuant to paragraph (c)(4)(i) of this section, shall not exceed an amount determined as follows: the base year amount plus 5.5 percent of such base year amount.

* * * * *

(f) *Special rules*—(1) *Limitation on allowable amount.* Notwithstanding the provisions of paragraphs (c) and (d) of this section, the allowable amount of any item of incentive compensation paid, awarded, or granted to employees under a plan shall not exceed the amount of payment, award, or grant determined by application of the definite method or clear formula in the plan described in paragraph (b) of this section.

* * * * *

PAR. 2. In 6 CFR Part 152, paragraphs (b)(1), (c)(1)(i), and (f) of § 152.125 are amended to read as follows:

§ 152.125 Incentive compensation practices.

* * * * *

(b) *In general.* (1) *Practices in effect on November 13, 1971.* Subject to the provisions of this section, an employer having a practice (other than a plan described in § 152.124(b)) with respect to items of incentive compensation in effect on November 13, 1971, may continue to administer such a practice providing the following conditions are met—

(i) There has been a payment prior to November 14, 1971, under the practice as a matter of custom or habit with respect to two of the last 3 practice years ending prior to November 14, 1971 (or if the practice has been in existence less than 2 practice years ending prior to

November 14, 1971, then with respect to 1 practice year ending prior to such date);

(ii) Administration of the practice is clearly in accordance with demonstrated past custom or habit (other than those customs or habits as may be restricted by this section); and

(iii) Administration of the practice is in the customary manner without any deviation from such manner for purposes of circumventing the intent of the wage and salary stabilization program.

For purposes of paragraph (b)(1) (ii) and (iii) of this section, where the aggregate maximum amount of incentive compensation under a practice is determined according to a definite method or clear formula, such method or formula shall continue to apply. Where the aggregate maximum amount of incentive compensation under a practice is not so determined the following formula shall be deemed to apply with respect to such a practice: The base year amount with respect to such practice divided by profits of the employer prior to Federal taxes with respect to such base year. The formula so deemed to apply shall continue to apply for purposes of computing the aggregate amount of incentive compensation.

* * * * *

(c) *Computation of allowable amount*—(1) *First practice year*—(i) *Practices described in paragraph (b)(1) of this section.* The allowable amount of any item of incentive compensation granted to the employees in a practice unit under a practice described in paragraph (b)(1) of this section with respect to the first practice year immediately succeeding the three or fewer practice years from which the base year may be selected pursuant to paragraph (c)(4)(i) of this section, shall not exceed an amount determined as follows: The base year amount plus 5.5 percent of such base year amount.

* * * * *

(f) *Special rules*—(1) *Limitation on allowable amount.* Notwithstanding the provisions of paragraphs (c) and (d) of this section, the allowable amount of any item of incentive compensation paid, awarded, or granted to employees under a practice shall not exceed the amount of payment, award, or grant determined by application of the applicable formula set forth in paragraph (b)(1) of this section.

(2) *Selection of base year.*—In the case of a practice described in paragraph (b)(1) of this section, the selection of a base year with respect to any one subsequent practice year shall not prevent the selection of a different base year with respect to another subsequent practice year.

(3) *Practices adopted or revised pursuant to § 130.14 of this chapter.*—For purposes of paragraph (b)(2)(iv) of this section, a practice may be considered adopted or revised and put into effect in accordance with the provisions of § 130.14 and Appendix B to Part 130 of this chapter only if it can be documented that the adoption or revision of such practice was decided finally and formally in accordance with established procedures, and if such decision was communicated to the management personnel responsible for implementing the practice or to the practice participants prior to August 29, 1973. It is not necessary that any payments, awards, or grants shall have been made prior to such date. Payments, awards or grants pursuant to such a practice shall remain subject to review by the Council, which may by order direct the repayment of all or a portion of such payments, awards or grants or impose such other requirements or conditions on the operation of the practice as are reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

PAR. 3. In 6 CFR Part 152, paragraphs (c)(1), (c)(6), (c)(9)(ii)(E) and (d)(6) of § 152.130 are amended to read as follows:

§ 150.130 Executive control groups.

* * * * *

(c) *Definitions.* For purposes of this section—

* * * * *

(1) "Officer" means a president, vice president, treasurer, secretary, comptroller, or any other employee who performs for a firm, whether incorporated or unincorporated, functions corresponding to those performed by the foregoing officers. In the case of a firm subject to the Rules and Regulations issued by the United States Securities and Exchange Commission, the term "officer" means the same as in Rule 3b-2 of such Rules and Regulations, and a person who is not an officer under such Rule shall not be considered an officer for purposes of this section, even if his remuneration is reported on proxy statements under the Rules and Regulations of the Securities and Exchange Commission. Notwithstanding the preceding sentence, the term "officer" shall ordinarily exclude subordinates and assistants to the foregoing officers (e.g., assistant vice presidents) and employees in equivalent positions (e.g., second vice presidents) and those employees (regardless of title) whose duties principally involve the rendering of services to selected clients or customers of the firm.

* * * * *

(6) "Base period" means, at the election of a firm—

(i) The 3 or fewer plan or practice years from which the base year may be selected pursuant to § 152.124(c)(4)(i) or § 152.125(c)(4)(i), as appropriate, plus the next succeeding plan or practice year;

(ii) The most recent plan or practice year ending prior to August 29, 1973, for which a payment has been made prior to such date; or

(iii) With respect to a plan or practice established on or after November 14, 1971, and referred to in § 152.124(b)(2) or § 152.125(b)(2), all plan or practice years for which payments were made on or after November 14, 1971, and prior to August 29, 1973.

* * * * *

(9) "Parent" means—

(i) A person that is not controlled, directly or indirectly, by another person; or

(ii) A person that is controlled, directly or indirectly, by another person, if—

(A) Such controlling person is an individual, group or entity whose ownership interest with respect to such controlled person is essentially of an investment nature;

(B) Such controlling person is a foreign entity (i.e., is located outside the several States and the District of Columbia);

(C) The management and policies of such controlled person are directed by its officers and board of directors (or similar governing body) without active continuous participation by such controlling person;

(D) The relationship between such persons was created or redefined primarily for the purpose of circumventing the application of the rules in this part; or

(E) Such controlled person is the issuer of securities registered pursuant to Section 12 of the Securities Exchange Act of 1934, with respect to which the issuer regularly solicits proxies, consents, or authorizations, or regularly furnishes information pursuant to Section 14(c) of such Act.

* * * * *

(d) *Limitation on salary increases.* * * *

(6) *Existing contracts.*—For purposes of this paragraph, if the base salary received by a member of an executive control group is increased pursuant to an existing contract (as defined in § 152.122(c)), such salary shall be excluded from the computation of the average group salary rate (or alternative base compensation rate) and increases therein during the term of the contract. Further, such member's position shall not be considered as part of the executive control group for purposes of computing increases in such rates. Payments received pursuant to such an existing contract shall remain subject to review by the Council, which may by order direct the repayment of all or a portion of such payments, or impose such other requirements or conditions as are reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

* * * * *

[FR Doc.73-27339 Filed 12-28-73;5:10 pm]

[Series No. 2]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Executive Compensation Questions and Answers

These "Questions and Answers" are designed to provide immediate assistance in understanding and applying the executive and variable compensation regulations (Subpart K of Part 152 of Title 6 of the Code of Federal Regulations). Since they provide guidance of general applicability and are subject to

clarification, revision, or revocation, they do not constitute legal rulings with respect to specific fact situations. Accordingly, they should be relied upon only as general policy guidance.

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

Issued in Washington, D.C. this 28th day of December, 1973.

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

EXECUTIVE COMPENSATION

QUESTIONS AND ANSWERS SERIES NO. 2

1. Q. May an officer of a parent (controlling) corporation who is a member of one executive control group (ECG) designated by that parent corporation also be a member of another ECG designated by a subsidiary corporation (treated as a parent) within the same affiliated group of entities?

A. Yes.

2. Q. Example (1) in § 152.130(k) suggests that only officers principally involved in general corporate affairs should be included in a firm's ECG. Is an officer who is responsible for a major corporate activity properly included in the ECG? Examples would be: (1) Vice president-sales, and (2) vice president and manager of a major operating division.

A. An officer who is responsible for a major corporate activity is generally included in the firm's ECG, although the final determination must be based on the facts of each specific case. Firms are expected to make good faith determinations as to ECG membership.

3. Q. In the case of a firm subject to the Rules and Regulations of the U.S. Securities and Exchange Commission, must every position listed in SEC Rule 3b–2 be included in the firm's ECG? For example, what is the result where the firm's comptroller is a subordinate of the vice president-finance, and the comptroller does not participate in top management decisions?

A. The reference to Rule 3b–2 should be used initially as a guide in designating an ECG. However, if in a particular firm one of the positions referred to in Rule 3b–2 does not carry top management responsibilities, then that position should be excluded from the ECG. In the example given, the comptroller should be excluded from the ECG. See also Example (1) in § 152.130(k), which indicates that certain employees with the title of vice president are excluded from a firm's ECG.

4. Q. Does the definition of the term "officer" in § 152.130 include, in addition to those employees of a firm serving as president, vice-president, treasurer, secretary, or comptroller, an employee of such firm who performs any function or functions corresponding to functions performed by employees serving in the positions named? For example, if a firm has officers with the titles listed above, does the firm's ECG also include the firm's general sales manager who is not a director but serves on that firm's executive committee and consequently exercises some general corporate responsibility?

A. No. An underlying stabilization objective is to restrict ECG membership to top management executives in a firm, who are those with primary corporate responsibilities. SEC Rule 3b–2 lists as "officers" the president, vice-president, treasurer, secretary, and comptroller. While the general manager in the example cited may exercise some corporate responsibility, he is not listed as an officer under Rule 3b–2 and for purposes of designating an ECG is not considered an "officer". However, if a firm does not have, for example, a "comptroller", but does have an employee with a different title who primarily performs functions traditionally associated with the position of "comptroller", such employee would be exercising general corporate responsibility and would be considered an officer.

5. Q. How does the term "officer" apply to employees of an unincorporated firm which does not designate a president, vice-president, treasurer, secretary, or comptroller?

A. Where an unincorporated firm does not designate officers with titles as set forth in § 152.130, employees exercising primary firm responsibility and performing on a regular basis, functions traditionally associated with the positions of president, vice-president, treasurer, secretary, or comptroller, are to be treated as "officers." For example, where an unincorporated firm has a "manager" or "executive director" who exercises general responsibility for the operations of the firm and who regularly performs executive functions traditionally associated with the position of president, such employee would be considered an "officer." Similarly, "assistants" or "aides" to such an "officer" who primarily perform, on a regular basis, functions traditionally performed by a vice-president, treasurer, secretary, or comptroller, would also be considered "officers."

6. Q. If an officer of a parent (controlling) corporation is also an officer of that parent's (controlled) subsidiary which is also defined as a "parent," what salaries payable to the individual are required to be included in determining the average group salary rate (AGSR) and increases therein with respect to each ECG?

A. The AGSR for the EGG of the controlling entity would include that individual's base salary from all sources within the entire affiliated group of entities. The AGSR for the ECG of the controlled entity would only include that individual's salary from that entity and any subsidiaries or affiliates controlled by such entity. It would not include his salary as an officer of the controlling entity.

7. Q. If the chairman of the board of directors during the current fiscal year, who retired as president of the company prior to the fiscal year, receives, in addition to his director's fees, remuneration from time to time during the current fiscal year as a consultant, must he be included as an employee-director in the ECG?

A. Yes, if the remuneration received as a consultant during the fiscal year is subject to Federal employment taxes (social security and withholding, etc.), and if his total remuneration from the firm exceeds $30,000. He would then be an employee-director within the meaning of § 152.130(c)(2).

8. Q. One individual is an officer of both a parent company and one of its subsidiaries (which does not have an ECG) and draws a salary with respect to each position. During a fiscal year, this individual retires from both positions. The position in the parent is filled by another individual who of course becomes a member of the parent's ECG; the position in the subsidiary is filled by a separate individual who is not employed in any capacity by the parent firm. What if any effect do these events have on the average group salary rate (AGSR) of the parent's ECG?

A. During the time that the one individual filled both positions the salary he received from the subsidiary was considered in determining the AGSR of the parent's ECG, pursuant to § 152.130(d)(5). However, the events described require a recomputation of the AGSR with respect to the fiscal base date, in which the salary formerly received from the subsidiary must be deleted retrospectively from the base. The salary originally received from the parent remains in the base. The situation is analogous to the creation of two positions where only one existed previously.

9. Q. During a fiscal year a new product line was introduced, within the area of responsibility of the vice president-manufacturing, a member of the ECG. Does the introduction of the new product line result in the deletion of an ECG position and the addition of a new ECG position for purposes of § 152.130(d)(2)(ii)?

A. Generally not. The responsibility for the new product line is an accretion to the principal duties of the position of vice president-manufacturing. The general corporate responsibilities with respect to that position remain unchanged.

10. Q. If a firm computes the limitation on salary increases for the ECG with respect to one year using the average group salary rate (AGSR) method, may the firm use the alternative base compensation rate (BCR) method for the succeeding fiscal year?

A. Yes. The regulations do not prohibit election of the alternative BCR method for a succeeding fiscal year. Neither do the regulations prohibit the election of the ASGR method for a fiscal year if the BCR method was used in the preceding fiscal year.

11. Q. The term "person" is used in the definition of "parent" in § 152.130(c)(9), but is not defined in Part 152 of Economic Stabilization Regulations. What is the meaning of "person"?

A. The term "person" means any entity, irrespective of the method of organization or whether organized for profit.

12. Q. If a new position has been added during the fiscal year to the ECG, and the individual promoted in the fiscal year to fill that new position has been a member of the plan unit (but not an ECG member) during the base period, when computing the apportionment factor for the ECG with respect to the fiscal year, may the incentive compensation (IC) payments made to that individual during the base period be added to the IC payments made to other ECG members during the base period?

A. No. The limitation on incentive compensation applies to the positions in the ECG. The apportionment factor is based upon the IC payments made with respect to the groups that would have constituted an ECG during each year of the base period, and not to the individuals who were not members of the ECG at the time and received IC payments in that period. The individual who is now in the ECG was not a member of the ECG during the base period. See Example (4) in § 152.130(k).

13. Q. A firm subject to the Phase IV rules for self-administration pays incentive compensation to employees in a plan unit which includes members of the firm's ECG. The plan year is the firm's fiscal year (November 1–October 31); payments under the plan are made on or about December 1 following the end of each plan year. Payments under the plan have been made with respect to prior fiscal years as follows:

Plan year	Payment to ECG members	Total payment plan participants
Fiscal year:		
Oct. 31, 1967	$24,000	$200,000
Oct. 31, 1968	10,000	100,000
Oct. 31, 1969	60,000	200,000
Oct. 31, 1970	0	0
Oct. 31, 1971	9,000	300,000
Oct. 31, 1972	20,000	200,000

In computing the apportionment factor for the fiscal year ending 10-31-78 under section 152.130(e)(2), what are the possible base periods which the firm may elect pursuant to Section 152.130(c)(6)? What is the apportionment factor for each of the available base periods?

A. (1) The year ending in 1971 may not be used in determining the "base year amount" under § 152.124, since payments with respect to that year were not made prior to November 14, 1971; therefore the "base year" must be selected from the three preceding plan years. The available "four-year base period" includes the fiscal year ending October 31, 1971, and the three immediately preceding fiscal years (ending 1968, 1969, and 1970). If this base period is elected, the apportionment factor is

$$\frac{10{,}000+60{,}000+9{,}000}{100{,}000+200{,}000+300{,}000}=\frac{79{,}000}{600{,}000}=.13$$

(2) The "one-year base period" is the fiscal year ending October 31, 1972. The apportionment factor under this section is

$$\frac{20{,}000}{200{,}000}=.10$$

14. Q. During Phase III, a firm adopted a new incentive bonus plan that meets the conditions described in § 152.124(f)(3). The plan unit included members of the ECG and no payments were made under the plan prior to August 29, 1973. What is the apportionment factor under § 152.130(e)(2) for payments made after August 29, 1973, to members of the ECG with respect to calendar 1973, the first fiscal year of the plan's operation?

A. An apportionment factor need not be applied to the first year's payments. No payments were made under the plan during the base period defined in § 152.130(c)(6). In accordance with the Phase III rules in effect at the time of its adoption, the plan is permitted to operate for the first fiscal year provided that payments are charged as wages and salaries in the first year and that total wage and salary increases in the appropriate employee unit are not unreasonably inconsistent the goals of the Economic Stabilization Program. The apportionment factor for the second and subsequent years of the plan's operation will be based on the first plan year experience.

15. Q. During Phase III, a firm revised an incentive bonus plan in the manner that meets the conditions set forth in Section 152.124(f)(3). The plan unit included members of the ECG and no payments were made under the plan prior to August 29, 1973. What limitations apply to payments after that date pursuant to the revised plan? What is the ECG apportionment factor with respect to calendar 1973, the first fiscal year of the plan's operation?

A. In accordance with the Phase III rules in effect at the time of its adoption, the revised plan is permitted to operate according to its terms. For the first fiscal year the revised plan operates, the allowable amount is determined in accordance with Section 152.124(c)(1)(ii). The allowable amount for subsequent fiscal years is determined in accordance with Section 152.124(c)(3). The ECG apportionment factor applicable to payments under the revised plan with respect to 1973 is computed using a base period determined in accordance with the provisions of Section 152.130(c)(6).

16. Q. If a firm subject to self-administration wishes to make incentive compensation payments to plan unit members that exceed the allowable amount for the plan, on the grounds that such excess payments are necessary to prevent gross inequities, and the plan unit is not coextensive with an appropriate employee unit and includes members of an ECG, must an exception request be made with respect to the entire plan unit?

A. No. Under § 152.130(h), an exception is only required to be filed with respect to members of the ECG. Payments to the other members of the plan unit are subject to the Phase IV standards for self-administration.

17. Q. If a firm subject to mandatory controls has a "qualified" stock option plan (a plan subject to § 201.76(b) or § 152.126) in which all (or substantially all) of the authorized shares have been the subject of option grants prior to the expiration of the plan, must prior approval of the Council be sought to "replenish" the number of shares authorized in the plan without making any other changes in it?

A. No. Under § 152.128(b)(3), if sufficient shares are not available to make option grants within the aggregate share limitation, the "replenishment" of shares is treated in the same manner as the adoption of a replacement plan that does not require prior approval. This treatment is available whether the firm is subject to mandatory controls or to self-administration.

18. Q. If a foreign corporation does business in the U.S. exclusively through a domestic division or other unincorporated entity which employs more than 60 individuals who reside in the U.S., must the domestic division or other entity designate an ECG?

A. Generally yes. The domestic division of a foreign corporation would constitute a "firm" which is an entity controlled directly or indirectly by another entity, and the controlling entity would be a foreign entity within the meaning of § 152.130(c)(9)(ii)(B). However, if none of the individuals employed in the U.S. performs duties corresponding to duties of an officer, the domestic division or other entity will not be required to designate an ECG.

[FR Doc.73-27336 Filed 12-28-73;5:10 pm]

[Cost of Living Council Ruling 1974-1]

APPENDIX—RULING

Institutional Provider of Health Services; Final Adjustments From Cost Reimbursers

Facts. Hospital X, for its fiscal year ending March 31, 1973, reported income from its third party cost reimbursers at $3,800,000, of which $150,000 was due to charging prices above base. Hospital X also had instituted price increases to its non-cost reimbursed patients which, when annualized, produced $120,000 in aggregate annual revenues. For the fiscal year ending March 31, 1972, Hospital X's aggregate annual revenues were $5,500,000. Its allowable cost increases under 6 CFR 300.18(d) for fiscal year 1973 were $320,000, justifying an increase in aggregate annual revenues due to price increases of 5.8 percent. During fiscal year 1973, Hospital X did not exceed its base period net revenue margin, based on actual operating revenues received including revenues from new services or new technology.

In December 1973, the third party cost reimbursers inform Hospital X that audits of its cost reports for fiscal year 1973 disclose that Hospital X is entitled to $3,870,000 under its contracts. This amount is $70,000 in excess of what Hospital X reported on its financial statement for the fiscal year ending March 31, 1973.

Question. May Hospital X accept the additional $70,000? If so, how should Hospital X report the income received during fiscal year 1974?

Answer. For the purpose of determining price increase revenues, the additional reimbursements are considered revenues of the year in which the costs now being reimbursed were incurred. Before Hospital X may accept the additional reimbursements, it must determine if it would have been entitled to them in fiscal year 1973 under the allowable cost and aggregate annual revenues limitations of 6 CFR 300.18(c) and (d). For the fiscal year ending March 31, 1973, Hospital X was limited to an increase in aggregate annual revenues due to price increases of 5.8 percent or $320,000—the amount of its allowable cost increases. At the close of the fiscal year, Hospital X had accounted for $270,000 in price increase revenues. Therefore, Hospital X may now accept $50,000 in additional price increase revenues for fiscal year 1973. Hospital X may not accept the remaining $20,000 cost reimbursement without an exception.

For the purpose of applying the net revenue or profit margin limitation of 6 CFR 300.18(b), additional revenues received upon preliminary or final settlements of cost reimbursement contracts are considered revenues in the year received to the extent that the revenues were not reported in a previous fiscal year (Price Commission Ruling 1972-262). Hospital X reported only $3,800,000 from its cost reimbursement contracts for fiscal year 1973. Therefore, the additional revenues received under those contracts in fiscal year 1974 are considered as income in 1974 and included in the calculation of fiscal year 1974's net revenue margin.

If, however, the additional revenues are considered materially significant and would be subject to treatment as a prior period adjustment under generally accepted accounting principles, Hospital X may exclude them from income in the year received and restate its income for fiscal year 1973. Such prior period adjustment must be in accordance with the principles set forth in Opinion 9 of the Accounting Principles of the American Institute of Certified Public Accountants. If Hospital X does not restate its income for the prior year, it must treat the additional revenues as income in the year received, for purposes of determining the net revenue margin, and may not add the revenues to retained earnings.

In the rare circumstance in which Hospital X is permitted to record a prior period adjustment, the determination of price increase revenues that Hospital X was entitled to in the prior period must include the profit margin limitation of 6 CFR 300.18(b) in addition to the allowable cost and aggregate annual revenues limitations of 6 CFR 300.18(c) and (d). If receipt of any additional cost reimbursement causes Hospital X to exceed its base period net revenue margin in restated fiscal year 1973, Hospital X may not accept, without an exception, the additional reimbursement.

To the extent that Price Commission Ruling 1972–262 does not permit restatement of a prior period's net income or operating revenues in accordance with generally accepted accounting principles, Price Commission Ruling 1972–262 is hereby modified.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

JANUARY 2, 1974.

[FR Doc.74–513 Filed 1–2–74;4:30 pm]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. No. 8]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSING REGULATIONS

Import Regulation 1, Revision 5, as amended, is further amended to provide a basis for the issuance of licenses for the importation from Canada during the calendar year 1974 of certain cheese provided for in item 950.10D of part 3 of the appendix to the Tariff Schedules of the United States (TSUS). The cheese covered is generally referred to as "other cheese" containing over 0.5 percent by weight of butterfat. At present this quota covers cheese having a purchase price under 72 cents per pound.

A person will be eligible for a license to import from Canada the quantity of cheese provided for in TSUS item 950.10D which he was authorized to import from Canada during the 1973 calendar year under the regular quota therefor or the quantity of such cheese he imported from Canada during such year, whichever is the lesser. Persons who imported any type of cheese from Canada during the 1973 calendar year will also be considered eligible applicants for a share of the remainder of the quota.

The subpart, section 22, import quotas, of part 6, subtitle A of title 7, is further amended by amending § 6.32 to read as follows:

§ 6.32 Special provisions.

(a) Eligibility for licenses for Canadian "Other Cheese" quota. Notwithstanding any other provision of this part, licenses to import from Canada, during calendar year 1974, cheese subject to the quota provided for in TSUS item 950.10D shall be issued in accordance with this section.

(1) A person shall be eligible for a license to import from Canada the quantity of cheese provided for in TSUS item 950.10D which he was authorized to import from Canada during the 1973 calendar year under the regular quota set forth in TSUS 950.10D (not including any specially authorized increases therein) or the quantity of such cheese he imported from Canada during the 1973 calendar year, whichever is the lesser.

(2) After making the allocations provided for in paragraph (a) (1) of this section, the remainder of the quota quantity to be imported from Canada shall be allocated among applicants therefor who submit evidence of the importation directly from Canada during the 1973 calendar year of any type of cheese manufactured in Canada. Persons eligible under paragraph (a) (1) of this section may also apply under paragraph (a) (2) of this section. Applications will be accepted in the order in which postmarked and no applications under paragraph (a) (2) of this section will be accepted if such acceptance would result in quota shares of less than 20,000 pounds. Furthermore, the quota share of any person under this paragraph shall not exceed the maximum quantity requested in his application or 300,000 pounds, whichever is the smaller.

(3) A person, its subsidiaries, and affiliates, shall be considered as one applicant.

(4) Applications and qualifying records of importations must be received, no later than February 15 of the 1974 quota year, in the office of the Chief, Import Branch, Foreign Agricultural Service, United States Department of Agriculture, Washington, D.C. 20250. Such qualifying records of importations shall consist of a stamped, duty paid entry for consumption or withdrawal from warehouse for consumption (Customs Form 7501 or 7505), bearing entry number and date, showing the entry to have been made by the applicant as the importer of record or for the account of the applicant.

(5) Applicants whose records of qualifying importations of cheese from Canada are already on file with the Chief, Import Branch, need not submit additional records of qualifying importations with their applications.

The foregoing amendment shall be effective January 4, 1974. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C.553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; part 3 of the appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202.)

Issued at Washington, D.C. this 4th day of January, 1974.

GORDON O. FRASER,
Acting Administrator,
Foreign Agricultural Service.

[FR Doc.74–334 Filed 1–3–74;8:45 am]

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

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

Inspection and Grading Services of Manufactured or Processed Dairy Products

Statement of consideration leading to amendment of regulations. The Agricultural Marketing Act of 1946 authorizes official inspection and grading service of dairy products. Such inspection and grading service is voluntary and is made available only upon request of financially interested parties upon payment of a fee. The Act requires such fees to be reasonable and, nearly as possible, to cover the cost of performing the services.

Salary increases for Federal employees and other rising costs of maintaining the inspection and grading service have made it necessary to reevaluate and increase fees charged for inspection and grading services in order to more nearly recover costs of performing the service.

Section 58.4 is being amended to include a nondiscrimination statement, § 58.19 for clarification purposes § 58.50 (c) to include several words that were inadvertently omitted when the regulations were published in the FEDERAL REGISTER, October 19, 1972.

Pursuant to the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–27) the provisions of "Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products: 7 CFR Part 58, Subpart A, is hereby amended to read as follows:

§ 58.4 Basis of service.

Inspection or grading service shall be performed in accordance with the provisions of this part, the instructions and procedures issued or approved by the Administrator, U.S. standards for grades, Federal specifications, and specifications as defined in a specific purchase contract. All services provided in accordance with these regulations shall be rendered without discrimination on the basis of race, color, creed, or national origin.

§ 58.19 Issuance of inspection or grading certificates.

An inspection or grading certificate shall be issued to cover a product inspected or graded in accordance with Instructions issued by the Administrator and shall be signed by an inspector or grader. This does not preclude an inspector or grader from granting a power of attorney to another person to sign in his stead, if such grant of power of attorney has been approved by the Administrator: *Provided,* That in all cases any such certificate shall be prepared in accordance with the facts set forth in the official memorandum defined in § 58.2(b): And provided further, that whenever a certificate is signed by a person under a power of attorney the certificate should so indicate. The signature of the holder of the power shall appear in conjunction with the name of the grader or inspector who personally graded or inspected the product.

§ 58.43 Fees for inspection, grading and sampling.

Except as otherwise provided in this section and §§ 58.38 through 58.47, charges shall be made for inspection, grading and sampling service at the hourly rate of $13.20 for service performed between 6 a.m. and 6 p.m.,

and $14.52 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15 minute period, including the time required for preparation of certificates and reports, and travel of the inspector or grader in connection with the performance of the service. When the Administrator determines it feasible, he may set a minimum charge based on average time for specific types of service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

§ 58.44 Fees for laboratory analysis.

Except as otherwise provided in this section and §§ 58.45 and 58.46, charges shall be made for laboratory analysis at the hourly rate of $14.30 for the time required to perform the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued. The following minimum rates based on average time required to perform the test specified shall apply unless the actual time required to perform the test is greater than the minimum set forth:

(a) Dry milk and related products.	
Total fat (ether extractions)	2.60
Moisture	2.00
Titratable acidity	1.00
Solubility index	1.30
Scorched particles	1.30
Bacterial plate count	2.60
Bacterial direct microscopic count	3.90
Flavor	.65
Whey protein nitrogen	6.50
Vitamin A	12.95
Alkalinity of Ash	14.30
Dispersibility	6.50
Coliform (solid media)	2.60
Salmonella	10.35
Phosphatase	14.30
Oxygen	7.75
Density	1.00
(b) Condensed milk and related products.	
Fat (ether extraction)	3.90
Total solids	2.60
Sugar (sucrose)	14.30
Net weight (per can)	1.60
Flavor, color, body, texture	1.00
(c) Cheese and related products.	
Moisture	2.60
Moisture in duplicate	3.90
Total fat (ether extraction)	4.55
Moisture & fat (dry basis) complete	7.15
(d) Butter and related products.	
Moisture	2.60
Fat	5.15
Salt	2.60
Complete Kohman analysis	7.75
Fat and moisture (same sample)	6.50
Flavor, odor, body, texture	1.30
Peroxide value	14.30
Free fatty acid	6.50
Yeast and mold	3.25
Proteolytic count	3.25
(e) Corn-Soya-Milk.	
Sieve test	2.60
Density	1.00
Bostwick—uncooked	3.25
Bostwick—cooked	6.50
Protein (Kjeldahl)	6.50
Fat (Soxhlet)	4.55
Moisture	2.00
Crude fiber	9.10
Flavor	.65

§ 58.47 Fee for continuous non-resident service.

Irrespective of the fees in §§ 58.39, 58.42, and 58.43, charges for continuous non-resident service shall be made at the hourly rate of $15.60 for services performed between 6 a.m. and 6 p.m., and $16.92 for services performed between 6 p.m. and 6 a.m., for the number of hours each inspector or grader is assigned including travel time at beginning and end of period. The costs of travel are included in this hourly rate. The charge for holiday, Saturday or Sunday work or overtime (work in excess of each eight-hour shift Monday through Friday) shall be at $22.20 per hour.

§ 58.50 Approval and form of official identification.

* * * * *

(c) Official identification under this subpart shall be limited to U.S. Grade B or higher or to an equivalent standard of quality for U.S. name grades or numerical score grades when U.S. standards for grades of a product have not been established.

* * * * *

Notice of proposed rule making, public procedure thereon, and the postponement of the effective time of this action later than January 6, 1974 (5 U.S.C. 553), are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946, provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered, (2) the increases in fee rates set forth herein are necessary to more nearly cover such costs including, but not limited to, Federal employee salary adjustments, and (3) additional time is not required by users of the inspection service to comply with this amendment.

This amendment shall become effective January 6, 1974, with respect to the inspection and grading service rendered on and after that date.

Done at Washington, D.C. this 27th day of December 1973.

E. L. PETERSON,
Administrator.

[FR Doc.74-259 Filed 1-3-74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR COMBINED CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for combined crop insurance for the 1974 crop year. The crops on which insurance is offered are shown opposite the name of the county.

State and county:	*Crop(s)*
North Dakota:	
Barnes	Barley, Flax, Oates, Rye, Wheat.
Grand Forks	Barley, Flax, Oats, Wheat.
Pierce	Barley, Flax, Oats, Rye, Wheat.
Ransom	Barley, Corn, Flax, Oats, Wheat.
Richland	Barley, Corn, Flax, Oats. Rye, Soybeans, Wheat.
Sargent	Barley, Corn, Flax, Oats. Wheat.
Steele	Barley, Flax, Oats, Wheat.

(Secs. 506, 516, 52 Stat. 73, as amended. 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-266 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNED FOR CORN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for corn crop insurance for the 1974 crop year.

ALABAMA	
De Kalb	Marshall
Jackson	
COLORADO	
Boulder	Phillips
Kit Carson	Sedgwick
Larimer	Washington
Logan	Weld
Morgan	Yuma
DELAWARE	
Kent	Sussex
New Castle	
FLORIDA	
Suwannee	
GEORGIA	
Colquitt	
ILLINOIS	
Adams	Jo Daviess
Bond	Kankakee
Brown	Kendall
Bureau	Knox
Carroll	LaSalle
Cass	Lee
Champaign	Livingston
Christian	Logan
Clay	McDonough
Clark	McLean
Clinton	Macon
Coles	Macoupin
Crawford	Madison
Cumberland	Marshall
De Kalb	Mason
De Witt	Menard
Douglas	Mercer
Edgar	Monroe
Effingham	Montgomery
Fayette	Morgan
Ford	Moultrie
Fulton	Ogle
Greene	Peoria
Grundy	Piatt
Hancock	Pike
Henderson	Putnam
Henry	Randolph
Iroquois	Richland
Jasper	Rock Island
Jefferson	St. Clair
Jersey	Sangamon

ILLINOIS—continued

Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford

INDIANA

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson
Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Atchison
Bourbon
Brown
Cheyenne
Crawford
Doniphan
Douglas
Finney
Ford
Franklin
Grant
Gray
Greeley
Haskell
Jackson
Jefferson
Johnson
Kearny
Linn
Marshall
Meade
Miami
Morton
Nemaha
Osage
Pottawatomie
Scott
Seward
Shawnee
Sheridan
Sherman
Stanton
Stevens
Thomas
Wallace
Washington
Wichita

KENTUCKY

Christian
Daviess
Henderson
Hopkins
McLean
Todd
Union

LOUISIANA

Pointe Coupee

MARYLAND

Caroline
Kent
Queen Annes
Talbot

MICHIGAN

Branch
Calhoun
Cass
Clinton
Eaton
Gratiot
Hillsdale
Ingham
Ionia
Jackson
Kalamazoo
Lenawee
Livingston
Monroe
Saginaw
St. Clair
St. Joseph
Shiawassee
Tuscola
Washtenaw

MINNESOTA

Big Stone
Blue Earth
Brown
Carver
Chippewa
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mower
Murray
Nicollet
Nobles
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Winona
Wright
Yellow Medicine

MISSISSIPPI

Tippah

MISSOURI

Adair
Andrew
Atchison
Audrain
Barton
Bates
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Adams
Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Chase
Clay
Colfax
Cuming
Dawson
Dixon
Dodge
Fillmore
Gage
Hall
Hamilton
Johnson
Kearney
Knox
Lancaster
Lincoln
Madison
Merrick
Nemaha
Otoe
Pawnee
Phelps
Pierce
Platte
Polk
Richardson
Saline
Saunders
Scotts Bluff
Seward
Stanton
Thayer
Washington
Wayne
York

NORTH CAROLINA

Anson
Beaufort
Hyde
Nash
Pamlico
Pitt
Robeson
Rowan
Union
Washington

NORTH DAKOTA

Cass
Ransom
Richland
Sargent

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Texas

PENNSYLVANIA

Adams
Chester
Cumberland
Dauphin
Franklin
Lancaster
Lebanon
Perry
York

SOUTH DAKOTA

Aurora	Hanson
Beadle	Hutchinson
Bon Homme	Kingsbury
Brookings	Lake
Charles Mix	Lincoln
Clark	McCook
Clay	Miner
Codington	Minnehaha
Davison	Moody
Day	Roberts
Deuel	Sanborn
Douglas	Turner
Grant	Union
Hamlin	Yankton

TENNESSEE

Franklin	Obion

TEXAS

Castro	Moore

VIRGINIA

Nansemond	Southampton

WISCONSIN

Barron	LaCrosse
Buffalo	Lafayette
Calumet	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Fond du Lac	Sauk
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

WYOMING

Goshen

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-267 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR DRY BEAN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for dry bean crop insurance for the 1974 crop year. The class(es) of beans on which insurance is offered is shown opposite the name of the county.

State and county:	*Class(es) of dry beans insured*
Colorado:	
Boulder	Pinto.
Larimer	Pinto.
Logan	Pinto.
Morgan	Pinto.
Phillips	Pinto.
Sedgwick	Pinto.
Washington	Pinto.
Weld	Pinto.
Yuma	Pinto.
Idaho:	
Ada	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Canyon	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Cassia	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Gooding	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Jerome	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Lincoln	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Minidoka	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Owyhee	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Twin Falls	Great Northern, Pink, Pinto, Red Kidney, Small Red [1].
Michigan:	
Bay	Pea and Medium White.
Gratiot	Pea and Medium White.
Huron	Pea and Medium White.
Saginaw	Pea and Medium White.
Sanilac	Pea and Medium White.
Shiawassee	Pea and Medium White.
Tuscola	Pea and Medium White.
Nebraska:	
Box Butte	Great Northern, Pink, Pinto.
Morrill	Great Northern, Pink, Pinto.
Scotts Bluff	Great Northern, Pink, Pinto.
Sheridan	Great Northern, Pink, Pinto.
Washington:	
Adams	Great Northern, Pink, Pinto, Small Flat Whites, Small Red.
Franklin	Great Northern, Pink, Pinto, Small Flat Whites, Small Red.
Grant	Great Northern, Pink, Pinto, Small Flat Whites, Small Red.
Wyoming:	
Big Horn	Great Northern, Pinto.
Goshen	Great Northern, Pinto.
Park	Great Northern, Pinto.
Platte	Great Northern, Pinto.

[1] Insurance is also provided on bush varieties of garden seed beans.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR FLAX CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for flax crop insurance for the 1974 crop year.

MINNESOTA

Becker	Marshall
Big Stone	Murray
Chippewa	Nobles
Clay	Norman
Grant	Otter Tail
Kittson	Pennington
Lac qui Parle	Pipestone
Lincoln	Polk
Lyon	Pope
Mahnomen	Red Lake
Redwood	Traverse
Roseau	Wilkin
Stevens	Yellow Medicine
Swift	

NORTH DAKOTA

Barnes	Mountrail
Benson	Nelson
Bottineau	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Eddy	Richland
Emmons	Rolette
Foster	Sargent
Grand Forks	Sheridan
Griggs	Steele
Kidder	Stutsman
La Moure	Towner
Logan	Traill
McHenry	Walsh
McIntosh	Ward
McLean	Wells

SOUTH DAKOTA

Brookings	Hamlin
Brown	Kingsbury
Campbell	Lake
Clark	McPherson
Codington	Marshall
Corson	Miner
Day	Moody
Deuel	Roberts
Edmunds	Walworth
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-268 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR OAT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been disignated for oat crop insurance for the 1974 crop year.

CALIFORNIA

Modoc

ILLINOIS

Bureau	Jo Daviess
Carroll	Ogle
Henry	Stephenson

IOWA

Adair	Clayton
Adams	Clinton
Allamakee	Crawford
Appanoose	Dallas
Audubon	Decatur
Benton	Delaware
Black Hawk	Des Moines
Boone	Dickinson
Bremer	Dubuque
Buchanan	Emmet
Buena Vista	Fayette
Butler	Floyd
Calhoun	Franklin
Carroll	Fremont
Cass	Greene
Cedar	Grundy
Cerro Gordo	Guthrie
Cherokee	Hamilton
Chickasaw	Hancock
Clarke	Hardin
Clay	Harrison

IOWA—continued

Henry	O'Brien
Howard	Osceola
Humboldt	Page
Ida	Palo Alto
Iowa	Plymouth
Jackson	Pocahontas
Jasper	Polk
Jefferson	Pottawattamie
Johnson	Poweshiek
Jones	Sac
Keokuk	Scott
Kossuth	Shelby
Lee	Sioux
Linn	Story
Louisa	Tama
Lucas	Taylor
Lyon	Union
Madison	Wapello
Mahaska	Warren
Marion	Washington
Marshall	Webster
Mills	Winnebago
Mitchell	Winneshiek
Monona	Woodbury
Monroe	Worth
Montgomery	Wright
Muscatine	

MINNESOTA

Becker	Nicollet
Big Stone	Nobles
Blue Earth	Norman
Brown	Olmsted
Carver	Otter Tail
Chippewa	Pennington
Clay	Pipestone
Cottonwood	Polk
Dakota	Pope
Dodge	Red Lake
Douglas	Redwood
Faribault	Renville
Fillmore	Rice
Freeborn	Rock
Goodhue	Roseau
Grant	Scott
Houston	Sibley
Jackson	Stearns
Kandiyohi	Steele
Kittson	Stevens
Lac qui Parle	Swift
Le Sueur	Todd
Lincoln	Traverse
Lyon	Wabasha
McLeod	Waseca
Mahnomen	Washington
Marshall	Watonwan
Martin	Wilkin
Meeker	Winona
Mower	Wright
Murray	Yellow Medicine

NORTH DAKOTA

Barnes	Nelson
Benson	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Richland
Eddy	Sargent
Foster	Stark
Grand Forks	Steele
Griggs	Stutsman
Kidder	Towner
La Moure	Traill
Logan	Walsh
Morton	

OREGON

Klamath	

PENNSYLVANIA

Chester	Dauphin
Cumberland	Perry

SOUTH DAKOTA

Aurora	Charles Mix
Beadle	Clark
Bon Homme	Clay
Brookings	Codington
Brown	Davison
Day	Marshall
Deuel	Miner
Douglas	Minnehaha
Grant	Moody
Hamlin	Roberts
Hanson	Sanborn
Hutchinson	Spink
Kingsbury	Turner
Lake	Union
Lincoln	Yankton
McCook	

WISCONSIN

Barron	La Crosse
Buffalo	Lafayette
Calumet	Pepin
Clark	Pierce
Columbia	Polk
Crawford	Racine
Dane	Richland
Dodge	Rock
Dunn	St. Croix
Fond du Lac	Sauk
Grant	Trempealeau
Green	Vernon
Iowa	Walworth
Jackson	Waukesha
Jefferson	Winnebago
Kenosha	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-269 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (DRY) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (dry) crop insurance for the 1974 crop year.

IDAHO

Benewah	Lewis
Kootenai	Nez Perce
Latah	

OREGON

Umatilla	Union

WASHINGTON

Adams	Spokane
Columbia	Walla Walla
Franklin	Whitman
Grant	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEA (CANNING AND FREEZING) CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for pea (canning and freezing) crop insurance for the 1974 crop year.

IDAHO

Franklin	Nez Nerce

MINNESOTA

Blue Earth	Nicollet
Brown	Olmsted
Dakota	Redwood
Dodge	Renville
Faribault	Rice
Freeborn	Scott
Goodhue	Sibley
Kandiyohi	Steele
Le Sueur	Wabasha
McLeod	Waseca
Martin	Watonwan
Meeker	Winona
Mower	

OREGON

Umatilla	Union

UTAH

Box Elder	Salt Lake
Cache	Weber
Davis	

WASHINGTON

Columbia	Whitman
Walla Walla	

WISCONSIN

Calumet	Fond du Lac
Columbia	Trempealeau
Dane	Winnebago
Dodge	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEANUT CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for peanut crop insurance for the 1974 crop year. The type(s) of peanuts on which insurance is offered in each county is shown opposite the county name.

ALABAMA

Barbour	Runner, Southeast Spanish, Virginia
Coffee	Runner, Southeast Spanish, Virginia
Conecuh	Runner, Southeast Spanish, Virginia
Covington	Runner, Southeast Spanish, Virginia
Crenshaw	Runner, Southeast Spanish, Virginia
Dale	Runner, Southeast Spanish, Virginia
Geneva	Runner, Southeast Spanish, Virginia
Henry	Runner, Southeast Spanish, Virginia
Houston	Runner, Southeast Spanish, Virginia
Pike	Runner, Southeast Spanish, Virginia

FLORIDA

Jackson	Runner, Southeast Spanish, Virigina

GEORGIA

Baker—Runner, Southeast Spanish, Virginia
Ben Hill—Runner, Southeast Spanish, Virginia
Bulloch—Runner, Southeast Spanish, Virginia
Calhoun—Runner, Southeast Spanish, Virginia
Clay—Runner, Southeast Spanish, Virginia
Coffee—Runner, Southeast Spanish, Virginia
Colquitt—Runner, Southeast Spanish, Virginia
Cook—Runner, Southeast Spanish, Virginia
Crisp—Runner, Southeast Spanish, Virginia
Decatur—Runner, Southeast Spanish, Virginia
Dooly—Runner, Southeast Spanish, Virginia
Early—Runner, Southeast Spanish, Virginia
Houston—Runner, Southeast Spanish, Virginia
Irwin—Runner, Southeast Spanish, Virginia
Lee—Runner, Southeast Spanish, Virginia
Miller—Runner, Southeast Spanish, Virginia
Mitchell—Runner, Southeast Spanish, Virginia
Randolph—Runner, Southeast Spanish, Virginia
Sumter—Runner, Southeast Spanish, Virginia
Terrell—Runner, Southeast Spanish, Virginia
Thomas—Runner, Southeast Spanish, Virginia
Tift—Runner, Southeast Spanish, Virginia
Toombs—Runner, Southeast Spanish, Virginia
Turner—Runner, Southeast Spanish, Virginia
Worth—Runner, Southeast Spanish, Virginia

NORTH CAROLINA

Bertie—Virginia
Bladen—Virginia
Chowan—Virginia
Edgecombe—Virginia
Gates—Virginia
Halifax—Virginia
Hertford—Virginia
Martin—Virginia
Nash—Virginia
Northampton—Virginia
Pitt—Virginia
Washington—Virginia

OKLAHOMA

Caddo—Southwest Spanish
Grady—Southwest Spanish

TEXAS

Atascosa—Southwest Spanish
Comanche—Southwest Spanish
Eastland—Southwest Spanish
Erath—Southwest Spanish
Frio—Southwest Spanish
Hood—Southwest Spanish
Wilson—Southwest Spanish

VIRGINIA

Dinwiddie—Virginia
Greensville—Virginia
Isle of Wight—Virginia
Nansemond—Virginia
Prince George—Virginia
Southampton—Virginia
Surry—Virginia
Sussex—Virginia

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

[SEAL] M. R. PETERSON,
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[FR Doc.74-274 Filed 1-3-74;8:45 am]

PART 402—RAISIN CROP INSURANCE

Subpart—Regulations for the 1966 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RAISIN CROP INSURANCE

Pursuant to authority contained in § 402.1 of the above-identified regulations, the following counties have been designated for raisin crop insurance for the 1974 crop year.

CALIFORNIA

Fresno
Kern
Kings
Madera
Merced
Stanislaus
Tulare

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR RICE CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for rice crop insurance for the 1974 crop year.

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lonoke
Monroe
Poinsett
Prairie
St. Francis
Woodruff

LOUISIANA

Acadia
Calcasieu
Evangeline
Jefferson Davis
St. Landry

MISSISSIPPI

Bolivar
Washington

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal
Crop Insurance Corporation.

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PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SOYBEAN CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for soybean crop insurance for the 1974 crop year.

ALABAMA

Baldwin
Dallas
Escambia
Hale
Jackson
Lauderdale
Lawrence
Limestone
Madison
Morgan
Shelby
Talladega

ARKANSAS

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Cross
Desha
Greene
Jackson
Jefferson
Lawrence
Lee
Lincoln
Lonoke
Mississippi
Monroe
Phillips
Poinsett
Prairie
Randolph
St. Francis
Woodruff

DELAWARE

Kent
New Castle
Sussex

GEORGIA

Houston

ILLINOIS

Adams
Bond
Brown
Bureau
Carroll
Cass
Champaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Edgar
Effingham
Fayette
Ford
Fulton
Greene
Grundy
Hancock
Henderson
Henry
Iroquois
Jasper
Jefferson
Jersey
Jo Daviess
Kankakee
Kendall
Knox
La Salle
Lee
Livingston
Logan
McDonough
McLean
Macon
Macoupin
Madison
Marshall
Mason
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Piatt
Pike
Putnam
Randolph
Richland
Rock Island
St. Clair
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Vermilion
Warren
Washington
Wayne
Whiteside
Will
Winnebago
Woodford

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clay
Clinton
Daviess
Decatur
De Kalb
Delaware
Elkhart
Fayette
Fountain
Fulton
Gibson
Grant
Hamilton
Hancock
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Johnson

Adair
Adams
Appanoose
Allamakee
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson

Allen
Anderson
Atchison
Bourbon
Brown
Cherokee

INDIANA

Knox
Kosciusko
Lagrange
Madison
Marion
Marshall
Miami
Montgomery
Morgan
Newton
Noble
Parke
Pulaski
Putnam
Randolph
Ripley
Rush
Shelby
Sullivan
Tippecanoe
Tipton
Union
Vermillion
Vigo
Wabash
Warren
Wayne
Wells
White
Whitley

IOWA

Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Wapello
Warren
Washington
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

KANSAS

Coffey
Crawford
Doniphan
Douglas
Franklin
Johnson

KANSAS—continued

Labette
Linn
Lyon
Miami

Calloway
Daviess
Fulton
Graves
Henderson

Acadia
Avoyelles
Bossier
Caddo
Calcasieu
Caldwell
Catahoula
Concordia
East Carroll
Evangeline
Franklin

Caroline
Kent

Branch
Cass
Clinton
Gratiot
Hillsdale
Lenawee

Becker
Big Stone
Blue Earth
Brown
Carver
Chippewa
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Houston
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mower
Murray

Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Hinds
Holmes
Humphreys
Issaquena
Lee
Leflore
Madison

Adair
Andrew
Atchison
Audrain
Barton

Neosho
Osage
Wilson
Woodson

KENTUCKY

Hopkins
McLean
Ohio
Union

LOUISIANA

Jefferson Davis
Madison
Morehouse
Natchitoches
Point Coupee
Rapides
Red River
Richland
St. Landry
Tensas
West Carroll

MARYLAND

Queen Annes
Talbot

MICHIGAN

Monroe
Saginaw
St. Joseph
Shiawassee
Washtenaw

MINNESOTA

Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

MISSISSIPPI

Monroe
Panola
Pontotoc
Prentiss
Quitman
Sharkey
Sunflower
Tallahatchie
Tippah
Tunica
Union
Washington
Yazoo

MISSOURI

Bates
Boone
Buchanan
Butler
Caldwell

MISSOURI—continued

Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clinton
Cooper
Daviess
De Kalb
Dunklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn

Livingston
Macon
Marion
Mississippi
Monroe
Montgomery
New Madrid
Nodaway
Pemiscot
Pettis
Pike
Platte
Ralls
Randolph
Ray
St. Charles
Saline
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Worth

NEBRASKA

Burt
Cass
Cedar
Colfax
Cuming
Dodge
Lancaster
Madison

Nemaha
Otoe
Platte
Richardson
Saunders
Washington
Wayne

NORTH CAROLINA

Anson
Beaufort
Craven
Hyde
Johnston
Jones

Pamlico
Pitt
Robeson
Union
Washington

NORTH DAKOTA

Cass
Richland

Traill

OHIO

Allen
Ashland
Auglaize
Butler
Champaign
Clark
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking

Logan
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Sandusky
Seneca
Shelby
Union
Van Wert
Wayne
Williams
Wood
Wyandot

OKLAHOMA

Craig

Ottawa

SOUTH CAROLINA

Aiken
Allendale
Bamberg
Barnwell
Calhoun
Clarendon
Darlington
Dillon
Dorchester
Florence

Hampton
Horry
Kershaw
Lee
Lexington
Marion
Marlboro
Orangeburg
Sumter
Williamsburg

SOUTH DAKOTA

Bon Homme	Lake
Brookings	Lincoln
Charles Mix	McCook
Clay	Minnehaha
Deuel	Moody
Grant	Roberts
Hamlin	Turner
Hutchinson	Union
Kingsbury	Yankton

TENNESSEE

Carroll	Lake
Chester	Lauderdale
Crockett	Madison
Dyer	Obion
Fayette	Shelby
Gibson	Tipton
Hardeman	Weakley
Haywood	

VIRGINIA

Nansemond	Southampton

WISCONSIN

Buffalo	Polk
Dunn	Racine
Jackson	Rock
Jefferson	St. Croix
Kenosha	Trempealeau
Pepin	Walworth
Pierce	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-277 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR SUGAR BEET CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for sugar beet crop insurance for the 1974 crop year.

CALIFORNIA

Fresno	Madera
Imperial	Merced
Kern	Tulare
Kings	

COLORADO

Adams	Morgan
Boulder	Phillips
Kit Carson	Sedgwick
Larimer	Weld
Logan	Yuma

IDAHO

Ada	Franklin
Bannock	Jerome
Bingham	Minidoka
Bonneville	Owyhee
Canyon	Power
Cassia	Twin Falls

KANSAS

Finney	Sherman
Grant	Stanton
Kearny	Wallace

MICHIGAN

Bay	Tuscola
Saginaw	

MINNESOTA

Chippewa	Norman
Clay	Polk
Faribault	Redwood
Grant	Renville
Kandiyohi	Swift
Kittson	Traverse
Lac qui Parle	Wilkin
Marshall	Yellow Medicine

MONTANA

Carbon	Rosebud
Custer	Stillwater
Dawson	Treasure
Prairie	Yellowstone
Richland	

NEBRASKA

Scotts Bluff	

NORTH DAKOTA

Cass	Hancock
Grand Forks	Henry
McKenzie	Lucas
Pembina	Ottawa
Richland	Putnam
Traill	Sandusky
Walsh	Wood
Williams	

OREGON

Malheur	

UTAH

Box Elder	Salt Lake
Cache	Utah
Davis	Weber

WASHINGTON

Adams	Grant
Benton	Yakima
Franklin	

WYOMING

Big Horn	Park
Goshen	Washakie

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-278 Filed 1-3-74;8:45 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOBACCO CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tobacco crop insurance for the 1974 crop year. The type(s) of tobacco on which insurance is offered in each county is shown opposite the county name.

FLORIDA

Alachua	14	Madison	14
Columbia	14	Suwannee	14
Hamilton	14		

GEORGIA

Appling	14	Coffee	14
Atkinson	14	Colquitt	14
Bacon	14	Cook	14
Ben Hill	14	Decatur	14
Berrien	14	Irwin	14
Brantley	14	Jeff Davis	14
Brooks	14	Lanier	14
Bulloch	14	Lowndes	14
Candler	14	Mitchell	14
Pierce	14	Turner	14
Tattnall	14	Ware	14
Thomas	14	Wayne	14
Tift	14	Worth	14
Toombs	14		

KENTUCKY

Adair	31	Lincoln	31
Allen	31, 35	Logan	22, 31, 35
Anderson	31	McLean	31, 36
Barren	31	Madison	31
Bath	31	Marion	31
Boone	31	Marshall	28, 31, 35
Bourbon	31	Mason	31
Boyle	31	Meade	31
Bracken	31	Mercer	31
Breckinridge	31	Metcalfe	31
Caldwell	22, 31, 35	Montgomery	31
Calloway	23, 35	Muhlenberg	22, 31, 35
Carroll	31	Nelson	31
Casey	31	Nicholas	31
Christian	22, 31, 35	Ohio	31, 36
Clark	31	Owen	31
Daviess	31, 36	Pendleton	31
Fayette	31	Pulaski	31
Fleming	31	Robertson	31
Franklin	31	Russell	31
Garrard	31	Scott	31
Grant	31	Shelby	31
Graves	23, 31, 35	Simpson	22, 31, 35
Green	31	Spencer	31
Harrison	31	Taylor	31
Hart	31	Todd	22, 31, 35
Henderson	31, 36	Trigg	22, 31, 35
Henry	31	Warren	31, 35
Hopkins	31, 36	Washington	31
Jessamine	31	Wayne	31
Larue	31	Woodford	31
Lewis	31		

MISSOURI

Buchanan	31	Platte	31

NORTH CAROLINA

Alamance	11a	Lee	11b
Alexander	11a	Lenoir	12
Beaufort	12	Madison	31
Bertie	12	Martin	12
Bladen	13	Mitchell	31
Brunswick	13	Montgomery	11b
Buncombe	31	Moore	11b
Carteret	12	Nash	12
Caswell	11a	Northampton	12
Chatham	11b	Onslow	12
Chowan	12	Orange	11b
Columbus	13	Pamlico	12
Craven	12	Pender	12
Cumberland	13	Person	11a
Davidson	11a	Pitt	12
Davie	11a	Randolph	11a
Duplin	12	Richmond	11b
Durham	11b	Robeson	13
Edgecombe	12	Rockingham	11a
Forsyth	11a	Sampson	12
Franklin	11b	Scotland	13
Gates	12	Stokes	11a
Granville	11b	Surry	11a
Greene	12	Vance	11b
Guilford	11a	Wake	11b
Halifax	12	Warren	11b
Harnett	11b	Washington	12
Haywood	31	Wayne	12
Hertford	12	Wilkes	11a
Hoke	13	Wilson	12
Iredell	11a	Yadkin	11a
Johnston	12	Yancey	31
Jones	12		

OHIO

Adams	31	Highland	31
Brown	31		

PENNSYLVANIA

Lancaster	41

SOUTH CAROLINA

Chesterfield	13	Kershaw	13
Clarendon	13	Lee	13
Darlington	13	Marion	13
Dillon	13	Marlboro	13
Dorchester	13	Orangeburg	13
Florence	13	Sumter	13
Georgetown	13	Williamsburg	13
Horry	13		

TENNESSEE

Anderson	31	Macon	31, 35
Blount	31	Marshall	31
Carter	31	Maury	31
Claiborne	31	Monroe	31
Cocke	31	Montgomery	22, 31
De Kalb	31	Obion	23, 35
Dickson	22	Putnam	31
Franklin	31	Robertson	22, 31, 35
Giles	31	Sevier	31
Grainger	31	Smith	31
Greene	31	Stewart	22, 31
Hamblen	31	Sullivan	31
Hancock	31	Sumner	22, 31, 35
Hawkins	31	Trousdale	31
Jackson	31	Unicoi	31
Jefferson	31	Washington	31
Johnson	31	Weakley	23, 35
Knox	31	White	31
Lawrence	31	Williamson	31
Lincoln	31	Wilson	31
Loudon	31		
McMinn	31		

VIRGINIA

Amelia	11a, 21	Mecklenberg	11a
Appomattox	11a, 21	Nansemond	11a
Brunswick	11a, 21	Nottoway	11a, 21
Campbell	11a, 21	Patrick	11a
Charlotte	11a, 21	Pittsylvania	11a
Cumberland	11a, 21	Prince Edward	11a, 21
Dinwiddie	11a, 21	Prince George	11a
Franklin	11a	Russell	31
Greensville	11a	Scott	31
Halifax	11a	Smyth	31
Lee	31	Southampton	11a
Lunenberg	11a, 21	Sussex	11a
		Washington	31

WISCONSIN

Crawford	55	Richland	55
Dane	54	Trempealeau	55
La Crosse	55	Vernon	55

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-279 Filed 1-3-74;8:15 am]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR TOMATO CROP INSURANCE

Pursuant to authority contained in § 401.101 of the above-identified regulations, as amended, the following counties have been designated for tomato crop insurance for the 1974 crop year.

OHIO

Darke	Ottawa
Fulton	Putnam
Henry	Sandusky
Lucas	Wood

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-280 Filed 1-3-74;8:45 am]

PART 403—PEACH CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR PEACH CROP INSURANCE

Pursuant to authority contained in § 403.40 of the above-identified regulations, as amended, the following counties have been designated for peach crop insurance for the 1974 crop year.

ALABAMA

Chilton

ARKANSAS

Cross	Lee
Johnson	St. Francis

GEORGIA

Houston	Upson
Peach	

SOUTH CAROLINA

Aiken	Laurens
Allendale	Lexington
Barnwell	Saluda
Chesterfield	Spartanburg
Edgefield	York
Greenville	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 74-273 Filed 1-3-74; 8:45 am]

PART 404—APPLE CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 404.20 of the above-identified regulation, the following counties have been designated for apple crop insurance for the 1974 crop year.

OREGON

Umatilla

WASHINGTON

Chelan	Douglas
Columbia	Okanogan

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-260 Filed 1-3-74;8:45 am]

PART 406—CALIFORNIA ORANGE CROP INSURANCE

Subpart—Regulations for the 1963 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR ORANGE CROP INSURANCE

Pursuant to authority contained in § 406.1 of the above-identified regulations, as amended, the following counties have been designated for orange crop insurance for the 1974 crop year.

CALIFORNIA

Fresno	Tulare
Kern	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-270 Filed 1-3-74;8:45 am]

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR APPLE CROP INSURANCE

Pursuant to authority contained in § 408.1 of the above-identified regulations, as amended, the following counties have been designated for apple crop insurance for the 1974 crop year.

NORTH CAROLINA

Alexander	Wilkes
Henderson	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc. 74-261 Filed 1-3-74;8:45 am]

PART 409—ARIZONA-DESERT VALLEY CITRUS CROP INSURANCE

Subpart—Regulations for the 1967 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 409.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1974 crop year.

ARIZONA

Maricopa	Yuma

CALIFORNIA

Imperial	Riverside

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-264; Filed 1-3-74;8:45 am]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 410.1 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1974 crop year.

FLORIDA

Brevard	Marion
De Soto	Martin
Hardee	Orange
Hernando	Osceola
Highlands	Pasco
Hillsborough	Polk
Indian River	St. Lucie
Lake	Seminole
Manatee	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-268 Filed 1-3-74;8:45 am]

PART 413—TEXAS CITRUS CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

APPENDIX—COUNTIES DESIGNATED FOR CITRUS CROP INSURANCE

Pursuant to authority contained in § 413.20 of the above-identified regulations, the following counties have been designated for citrus crop insurance for the 1974 crop year.

TEXAS

Cameron	Willacy
Hidalgo	

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516.)

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-265 Filed 1-3-74;8:45 am]

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

PART 812—SUGAR REQUIREMENTS AND QUOTAS: HAWAII AND PUERTO RICO

Establishment of Quotas for Local Consumption in 1974

On page 34816 of the FEDERAL REGISTER of December 19, 1973 there was published a notice of proposed rule making to issue a regulation determining sugar requirements for 1974 and establishing quotas for Hawaii and Puerto Rico for the calendar year 1974. Interested persons were given until December 27, 1973, to submit written data, views, or arguments for consideration in connection with the proposed regulation.

No views or comments were received relative to the proposed regulation.

The proposed regulation is hereby adopted without change.

Effective date. January 1, 1974.

Signed at Washington, D.C., on December 28, 1973.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

Statement of purpose, bases, and considerations. The purpose of Sugar Regulation 812 is to determine pursuant to sections 201 and 203 of the Sugar Act of 1948, as amended (hereinafter referred to as the "Act"), the amount of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico and to establish quotas for local consumption in such areas for the calendar year 1974. To the extent required by section 201 of the Act, this regulation establishes sugar requirements based on official estimates of the Department of Agriculture and on statistics published by other agencies of the government.

Pursuant to section 203 of the Act, the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relates to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended September 30, 1973, (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and in Puerto Rico, including that which was lost in refining after charged to the local quotas, during such twelve-month period are estimated to have been approximately 42,000 short tons of sugar, raw value, and 154,000 short tons of sugar, raw value, respectively.

Based on the latest U.S. Census data available, the population of Hawaii as of July 1, 1972, was 809,000 and the population of Puerto Rico as of April 1, 1970, was 2,712,000.

In Hawaii industrial use accounts for a substantial portion of the total consumption of sugar and this demand is a significant factor in the total sugar requirements. During the period 1962 through 1972 the annual sugar consumption in this area has varied from approximately 92.3 to 130.0 pounds, raw value, per person. These wide year-to-year variations suggest the possibility that requirements could be higher in 1974 than in the twelve months ended September 30, 1973, when sugar marketings approximated 42,000 short tons, raw value.

In Puerto Rico during the twelve months ended September 30, 1973, marketings of sugar for local consumption totaled approximately 154,000 short tons, raw value. After making allowance for possible consumption increases in 1974 resulting from probable population increases, the total sugar needed to meet requirements for local consumption in Puerto Rico in 1974 may be approximately 160,000 short tons, raw value.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the Act jeopardized if the 1974 local quotas are not completely filled. It is, therefore, desirable to establish the 1974 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the requirements for local consumption in Hawaii and Puerto Rico for 1974 have been determined to be 50,000 and 160,000 short tons, raw value, respectively.

Since the Act provides that the Secretary of Agriculture determine sugar requirements for local consumption in Hawaii and in Puerto Rico and establish local consumption quotas to be effective on January 1, 1974, it is found to be impracticable and not in the public interest to comply with the 30-day effective date requirements in 5 U.S.C. 553(d) (80 Stat. 378), and these regulations shall be effective January 1, 1974

Sec.

812.1 Sugar requirements and quota—Hawaii
812.2 Sugar requirements and quota—Puerto Rico
812.3 Restrictions on marketing

AUTHORITY: Secs. 201, 203, 209, 211, 403, 61 Stat. 923, as amended, 925, 928, 932: 7 U.S.C. 1111, 1113, 1119, 1121, 1153.

§ 812.1 Sugar requirements and quota—Hawaii.

It is hereby determined, pursuant to Section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Hawaii for the calendar year 1974 is 50,000 short tons, raw value, and a quota of 50,000 short tons, raw value, is hereby established for Hawaii for local consumption for the calendar year 1974.

§ 812.2 Sugar requirements and quota—Puerto Rico.

It is hereby determined, pursuant to Section 203 of the Act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1974 is 160,000 short tons, raw value, and a quota of 160,000 short tons, raw value, is hereby established for Puerto Rico for local consumption for the calendar year 1974.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the Act, for the calendar year 1974 all persons are hereby prohibited from marketings, pursuant to Part 816 of this chapter (33 FR 8495), in Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1974 has been filled. Pursuant to section 211(c) of the Act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area, except as provided in section 204(c).

Furthermore, pursuant to section 211 (c) of the Act, sugar may be unloaded from a carrier and brought into a Foreign Trade Zone for manipulating therein or manufacturing therein

another product for the subsequent entry into Hawaii or Puerto Rico for consumption only if such sugar is charged, pursuant to S.R. 816, to the applicable respective local quota.

Signed at Washington, D.C., on December 13, 1973.

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

[FR Doc.73-27331 Filed 12-28-73;8:52 pm]

[Sugar Reg. 814.11, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA

1973 Allotment

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 926, as amended; 7 U.S.C. 1115) hereinafter called the "Act," for the purpose of amending Sugar Regulation 814.11 (38 F.R. 34181) which established allotments for the Mainland Cane Sugar Area for the calendar year 1973.

This amendment is necessary to revise allotments to determine and prorate deficits in allotments.

On the basis of written advice from individual allottees, it is herein determined that 25 allottees are unable to fully utilize 1973 allotment of the Mainland Cane Sugar Area in excess of stated maximum quantities, and that there is a deficit in the allotments of such allottees amounting to 77,941 short tons, raw value, as follows:

Processors:	*Short tons, raw value*
Alma Plantation, Ltd	3,538
J. Aron & Co., Inc	6,675
Billeaud Sugar Factory	772
Wm. T. Burton Ind., Inc	592
Caire & Graugnard	840
Cajun Sugar Coop., Inc	5,784
Caldwell Sugars Coop., Inc	1,221
Dugas & LeBlanc, Ltd	1,823
Duhe & Bourgeois Sugar Co	1,279
Evan Hall Sugar Coop., Inc	3,477
Frisco Cane Co., Inc	726
Glenwood Coop., Inc	2,652
Helvetia Sugar Coop., Inc	2,759
LaFourche Sugar Company	5,335
Harry L. Laws & Co., Inc	2,577
Levert-St. John, Inc	347
Louisa Sugar Coop., Inc	1,179
M. A. Patout & Son, Ltd	4,266
St. James Sugar Coop., Inc	5,110
Smithfield Sugar Coop., Inc	6,587
South Coast Corp., Inc	6,361
Sterling Sugar, Inc	2,740
Valentine Sugars, Inc	3,459
A. Wilbert's Sons Lbr. & Sh. Co	2,878
Talisman Sugar Corp	4,964
	77,941

Accordingly, a deficit of 77,941 short tons, raw value, is declared and is herein prorated to other allottees on the basis of 1973 allotments made effective by Sugar Regulation 814.11, Amendment 1 (38 FR 34181).

It was found after notice and public hearing that this order shall be revised without further notice or hearing, for the purpose of allotting any quantity of an allotment to other allottees when written notification of release by an allottee of any part of an allotment becomes a part of the official records of the Department.

The allotments set forth herein have been established in accordance with findings heretofore made by the Secretary in the course of this proceeding (38 FR 34181).

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205(a) of the act, it is hereby ordered, that paragraph (a) of § 814.11 be amended to read as follows:

§ 814.11 *Allotment of the 1973 sugar quota for the Mainland Cane Sugar Area.*

(a) *Allotments.* The 1973 sugar quota for the Mainland Cane Sugar Area of 1,643,000 short tons, raw value, is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors:	*Allotments (Short tons, raw value)*
Albania Sugar Company	11,084
Alma Plantation, Ltd	9,627
J. Aron & Co., Inc	12,800
Billeaud Sugar Factory	14,023
Breaux Bridge Sugar Coop	14,940
Wm. T. Burton Ind., Inc	10,886
Caire & Graugnard	7,026
Cajun Sugar Coop., Inc	27,600
Caldwell Sugars Coop., Inc	18,632
Columbia Sugar Company	9,828
Cora-Texas Mfg. Co., Inc	13,219
Dugas & LeBlanc, Ltd	20,756
Duhe & Bourgeois Sugar Co	11,710
Evan Hall Sugar Coop., Inc	28,560
Frisco Cane Co., Inc	1,409
Glenwood Coop., Inc	20,009
Helvetia Sugar Coop., Inc	13,728
Iberia Sugar Coop., Inc	27,754
LaFourche Sugar Company	24,518
Harry L. Laws & Co., Inc	17,588
Levert-St. John, Inc	14,432
Louisa Sugar Coop., Inc	13,225
Louisiana State Penitentiary	569
Louisiana State University	10
Meeker Sugar Coop., Inc	17,957
M. A. Patout & Son, Ltd	22,221
Savoie Industries	24,683
St. James Sugar Coop., Inc	21,919
St. Mary Sugar Coop., Inc	20,720
Smithfield Sugar Coop., Inc	18,333
South Coast Corp., Inc	65,399
Southdown Sugars, Inc	47,342
Sterling Sugars, Inc	32,959
J. Supple's Sons Planting Co., Ltd.	6,503
Valentine Sugars, Inc	11,960
Vida Sugars, Inc	5,862
A. Wilbert's Sons Lbr. & Sh. Co	9,750
Louisiana Sub-Total	649,541
Atlantic Sugar Assoc., Inc	69,357
Glades Co. Su. Gr. Coop., Ass'n	67,277
Gulf & Western Food Products, Co.	139,533
Osceola Farms Co	92,423
Sugarcane Growers Coop. of Florida	192,443
Talisman Sugar Corp	88,324
U.S. Sugar Corp	344,102
Florida Sub-Total	993,459
Total all mainland cane	1,643,000

* * * * *

(Secs. 205, 209, 403; 61 Stat. 926, as amended, 928, as amended, 932; 7 U.S.C. 1115, 1119, 1153.)

Effective date. Because of the limited time remaining in the quota year to which the allotments apply, it is imperative that this amendment become effective at the earliest date in order to permit processors to fully utilize the entire quota for the area. Accordingly, it is hereby found that compliance with the 30-day effective date requirements in 5 U.S.C. 553 is impracticable and contrary to the public interest and consequently, this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., on December 28, 1973.

E. J. PERSON,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-27332 Filed 12-28-73;8:52 pm]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 306]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Jan. 4–10, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.606 **Navel Orange Regulation 306.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from Dis-

trict 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is very good. Prices f.o.b. averaged $3.71 a carton on a reported sales volume of 720 carlots last week, compared with an average f.o.b. price of $3.77 per carton and sales of 1,236 carlots a week earlier. Track and rolling supplies at 313 cars were down 124 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 28, 1973.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period January 4, 1974 through January 10, 1974, are hereby fixed as follows:

(i) District 1: 800,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 2, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-433 Filed 1-2-74;12:58 pm]

[Lemon Regulation 620]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Jan. 6–12, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.920 Lemon Regulation 620.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is good on size 165's and smaller, but is easier on size 140's and larger. Average f.o.b. price was $5.71 per carton the week ended December 29, 1973, compared to $5.62 per carton the previous week. Track and rolling supplies at 175 cars were up 19 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 28, 1973.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period January 6, 1974, through January 12, 1974, is hereby fixed at 195,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: January 4, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-539 Filed 1-3-74;11:31 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK) DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.11(b) (6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the Federal Register (38 FR 35005) concerning a proposed increase in the supply plant shipping percentage for the month of January 1974. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of January 1974 the supply plant shipping percentage of 20 percent that is applicable during the months of January, February and March to a plant that was a pool plant during each of the preceding months of August through December shall be increased to 25 percent.

Pursuant to the provisions of § 1030.11 (b) (6) the supply plant shipping percentages set forth in § 1030.11(b) (4) shall be increased or decreased by up to 10 percentage points during the months of August–March if necessary to obtain needed shipments or to prevent uneconomic shipments.

Associated Milk Producers Incorporated (AMPI), a large regional cooperative association representing a substantial proportion of the producers supplying the Chicago Regional market, requested that the Director of the Dairy Division investigate the need to increase the supply plant shipping percentage for the month of January 1974. AMPI states that an upward revision (from 20 to 25) in the supply plant shipping percentage will be necessary to assure that fluid milk bottling plants in the Chicago metropolitan area will obtain needed shipments to fulfill their bottling requirements.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about three-fourths of the market's milk supply is assembled at supply plants. In November 1973, for example, receipts of producer milk totaled 424 million pounds at supply plants and 142 million pounds at distributing plants. Shipments of milk from pool supply plants to pool distributing plants amounted to 230 million pounds during November or 54.3 percent of total receipts at supply plants.

Total milk supplies on the market have been declining since November 1972. Each month since then milk production has been significantly below the corresponding month in the previous year. In November 1973, 566 million pounds of milk were pooled under the order compared to 585 million pounds in November 1972, a reduction of 19 million pounds or 3.3 percent from the same month the previous year.

Shipments from supply plants to distributing plants have been greater in recent months than during corresponding months in 1972. In August through November 1973, shipments of supply plant milk averaged 223 million pounds per month compared to 210 million pounds per month during the same period of 1972. The percentage of supply plant milk shipped to distributing plants is also up from last year. During August through November of 1973, the percent of receipts shipped averaged 48.1 percent per month compared to 43.5 percent per month during August through November of 1972.

In response to a requested increase in the shipping percentage for the month for December, an upward increase of 5 percent (from 30 to 35) was authorized by the Acting Director of the Dairy Division on November 30, 1973 (38 FR 33455).

A similar 5 percent increase will be needed for the month of January. Shipments of supply plant milk to pool distributing plants averaged 33.7 percent of total supply plant receipts in January 1972 and increased to 34.1 percent in January 1973.

Actual supply plant shipments as a percentage of plant receipts have exceeded the minimum shipping percentage specified in the order by an average of 10.6 percent during the months of August through November of 1973. An increase of 5 percentage points in the minimum shipping percentage to 25 percent of plant receipts for January would provide a comparable margin between the minimum level for pool qualification and the expected actual marketwide average percentage of supply plant milk needed to be shipped.

It is appropriate that an allowance for flexibility in milk procurement as among supply plants be provided under the order to enable the use of milk supplies at supply plants located nearest to Chicago before requiring shipments from the more distant plants. It would be uneconomic to require milk shipments from the more distant supply plants when milk closer to Chicago is available. However, there is extensive competition for milk supplies throughout the production area for use in cheese, which threatens to attract milk supplies away from the Grade A fluid milk market.

It is concluded that it is necessary to increase the shipping percentage by 5 percentage points for the month of January 1974 to obtain needed shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during January 1974 it will encourage supply plants to make the needed shipments to pool distributing plants to fulfill the market's requirements for milk in fluid use;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rule making was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective January 1, 1974.

It is therefore ordered, That the aforesaid provision of the order is hereby revised for January 1974.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.)

Effective date: January 1, 1974.

Signed at Washington, D.C., on December 28, 1973.

P. W. HALNON,
Acting Director, Dairy Division.

[FR Doc.74-839 Filed 1-3-74; 8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified dates: Barton, Bates, Cape Girardeau and Taney Counties in Missouri on November 28, 1973; Beadle and Hutchinson Counties in South Dakota on November 28, 1973; and La Salle County in Texas on November 28, 1973. Since said dates, it has been determined that these counties again come within the definition of § 78.1(i); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Pursuant of § 78.16 of the regulations (9 CFR 78.16) issued under provisions of the Act of May 29, 1884, as amended; the Act of February 2, 1903, as amended; the Act of March 3, 1905, as amended; and the Act of July 2, 1962 (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Missouri and South Dakota.

(b) Each of the following States is hereby designated as a Modified Certified Brucellosis Area except for the counties named:

(1) Missouri except Sullivan County.

(2) South Dakota except Shannon County.

(Secs. 4–7 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f, 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16.)

Effective date. The foregoing amendment shall become effective January 4, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

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

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

[FR Doc.74–336 Filed 1–3–74;8:45 am]

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

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Restrictions on Cattle From Mexico

State of considerations. On October 26, 1973, there was published in the FEDERAL REGISTER (38 FR 29603), a proposed amendment to the regulations in 9 CFR Part 92 which would prevent cattle which have been exposed to splenetic, southern or tick fever, or have been affected with or exposed to fever ticks, from being imported from Mexico into areas of the State of Texas which are quarantined because of said disease or tick infestation. Only one written comment was received and it was favorable to the proposal as written.

Therefore, after due consideration of all relevant information available to the Department, 9 CFR Part 92 is hereby amended in the following respects:

In § 92.35, the introductory portion of paragraph (a) (2) is amended to read:

§ 92.35 Cattle from Mexico.

(a) * * *

(2) Cattle which have been exposed to splenetic, southern or tick fever or which have been infested with or exposed to fever ticks, may be imported from Mexico into the State of Texas, except into areas quarantined because of said disease or tick infestation as specified in § 72.5 of Subchapter C of this chapter, provided the following conditions are strictly observed and complied with:

* * * * * *

(Sec. 6, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 104, 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective January 4, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of piroplasmosis due to fever ticks and must be made effective immediately to accomplish its purpose. It does not appear that further public participation in rulemaking proceedings concerning the amendment would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 28th day of December 1974.

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

[FR Doc.74–335 Filed 1–3–74;8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Travel Time Allowances

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

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1973 ed.), as amended January 26, 1973 (38 FR 2442), June 19, 1973 (38 FR 15953), September 5, 1973 (38 FR 23940), and December 7, 1973 (38 FR 33763–33764), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Dulles International Airport (when served from College Park, Maryland).

FIVE HOURS

Add: Dulles International Airport (when served from Richmond, Virginia).

FOUR HOURS

Add: San Luis, Arizona (when served from Calexico, California). (64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective January 4, 1974.

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

Done at Washington, D.C., this 27th day of December 1973.

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

[FR Doc.74–283 Filed 1–3–74;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On June 12, 1973, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 38, Number 112, page 15450.

On October 30, 1973, there was published in the FEDERAL REGISTER, Volume 38, Number 208, page 29885, miscellaneous amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) which became effective on November 29, 1973.

Amendments were made to § 113.3 to prescribe the number of samples of biological products to be selected by a Veterinary Services representative. It is an accepted practice of long standing in the industry for Sterile Diluent to be supplied to the Department with samples of vaccines that have to be diluted or rehydrated before being put on test. Through inadvertence, no provision requiring samples of Sterile Diluent was

included in § 113.3 in the aforesaid rulemaking proceeding.

All biological establishments licensed under the Virus-Serum-Toxin Act of March 4, 1913, currently produce Sterile Diluent for rehydrating or diluting their vaccines and compliance with this amendment will not necessitate additional time or undue effort or expense on the part of such licensed establishments to comply. It is necessary that the amendment be made effective as soon as practicable in order to function with the other related provisions in Part 113, which became effective November 29, 1973.

Therefore, pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), § 113.3 is further amended by adding a new § 113.3(b)(9) to read:

§ 113.3 Sampling of biological products.

* * * * *

(b) * * *

(9) *Sterile diluent.* A sample of Sterile Diluent shall accompany each sample of vaccine if such diluent is required to rehydrate or dilute the vaccine before use.

* * * * *

It is hereby found that notice of rulemaking and public procedure thereon are impracticable and unnecessary, and this amendment should be made effective 10 days after publication.

Effective date. This amendment takes effect January 14, 1974.

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

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

[FR Doc.74-337 Filed 1-3-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Personnel Monitoring Reports

On June 28, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 17020) proposed amendment to § 20.407, 10 CFR Part 20 of its regulations, that would delete the present requirements for annual reporting by certain licensees of external exposure to named individuals whose total annual exposure exceed applicable quarterly limits, and would require, instead, that these licensees submit an annual statistical summary report on all of the whole body exposures recorded during the preceding year, i.e., the number of individuals whose estimated annual whole body exposure is in each of several specified exposure ranges. The notice indicated that information to be obtained pursuant to the proposed amendment would assist in the evaluation of the risk from radiation exposure in the nuclear industry by permitting a meaningful comparison of current exposure experience among the types of licensees required to report, and among licensees within each type. The information would also assist in the identification of situations to be studied further in order that guidance can be developed on action that should be taken to keep in-plant radiation exposure as low as practicable.

Interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments by August 13, 1973. After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments, with certain modifications, in the form set forth below.

The rule has been changed to retain the option provided in existing § 20.407(b)(1), of reporting either (i) the total number of individuals for whom personnel monitoring was required during the calendar year, or (ii) the total number of individuals for whom personnel monitoring was provided during the calendar year. The word "annual" has been dropped from § 20.407(b)(2) to make it clear that the number of individuals whose total body exposure was recorded during the previous calendar year, and not just the number of those individuals whose exposure records covered the entire previous year, is to be entered in each of the estimated exposure ranges.

Several comments were addressed to the schedule of whole body exposure ranges. It was noted that a large fraction of monitored individuals may receive an exposure too small to be measured and that an estimate of total man-rems based on the median dose in the lowest range proposed (less than 0.1 Rem) would be artifically high. Accordingly a new category has been added to the estimated exposure ranges, "No Measurable Exposure". Wording has been added to the footnote stating that the low exposure range data are required in order to obtain better information about the exposures actually recorded. This amendment does not require improved measurements. Personnel monitoring records should reflect the sensitivity of the monitoring devices being used, and should include the best estimates of the actual exposure incurred.

Other commenters expressed concern that data received pursuant to the proposed amendment would be incomplete and not necessarily representative of actual exposure conditions throughout the industry, and that the proposed amendment should not require licensees to report doses lower than the levels for which personnel monitoring is required to be provided.

The Commission recognizes that neither the existing rule, nor the amendment set forth below, permit evaluation of the overall risk of radiation exposure in the nuclear industry. Not all licensees are required to report, and exposures are not required to be reported for individuals for whom personnel monitoring is not required pursuant to § 20.202(a) or § 34.53(a), even if personnel monitoring were provided as part of good health physics practice. However, for individuals required to be monitored, whether employees or visitors, records of exposures must be maintained pursuant to §20.401(a), and a statistical summary of all the recorded data must be reported by these licensees pursuant to § 20.407, as amended below.

The Commission also recognizes the limitations of monitoring devices and the possible differences between data obtained from routine monitoring programs and the actual doses received by radiation workers. However, the Commission believes that adequate personnel monitoring measurements sufficiently characterize the radiation environment in which the individual works to provide an adequate basis for radiation protection evaluation purposes, and desires to be informed as to the estimated exposures actually being recorded.

The scope of the following amendment is limited. It neither changes requirements regarding the provision of personnel monitoring equipment, or the personnel monitoring information required to be recorded by licensees, nor does it significantly increase the effort required of licensees in preparing required reports.

Other commenters expressed concern that, by changing § 20.407 to require only an annual statistical summary report, there would no longer be a complete radiation exposure data bank. However, while annual reporting of exposures for identified individuals would no longer be required, total exposure of individuals to radiation and radioactive material, incurred during the period of employment or work assignment in the licensee's facility, will continue to be required from the specified categories of licensees pursuant to § 20.408.

One commenter stated that the concept of "as low as practicable" stated in § 20.1(c) did not apply to in-plant radiation exposures, and that a determination that § 20.1(c) applies to other than effluent releases would require a clear demonstration of the need to protect the health and safety of the occupationally exposed worker.

Paragraph 20.1(c) of Part 20 by its terms is not restricted to exposures to members of the public other than occupationally exposed workers. The International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, and the Federal Radiation Council have recommended that all radiation exposure be maintained as low as practicable. This recommendation applies to all man-made radiation exposures, including in-plant occupational exposures, as well as population exposures resulting from the release of radioactive materials in effluents to unrestricted areas. The recommendation is being implemented by the Commission through the issuance of regulations and guides for applicants and licensees, and through the continuing licensing and inspection programs.

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 20, is published as a document subject to codification.

1. Section 20.407 is amended to read as follows:

§ 20.407 Personnel exposure and monitoring reports.

(a) This section applies to each person licensed by the Commission to:

(1) Operate a nuclear reactor designed to produce electrical or heat energy pursuant to § 50.21(b) or § 50.22 of this chapter or a testing facility as defined in § 50.2(r) of this chapter;

(2) Possess or use byproduct material for purposes of radiography pursuant to Parts 30 and 34 of this chapter;

(3) Possess or use at any one time, for purposes of fuel processing fabrication, or reprocessing, special nuclear material in a quantity exceeding 5,000 grams of contained uranium-235, uranium-233, or plutonium or any combination thereof pursuant to Part 70 of this chapter; or

(4) Possess or use at any one time, for processing or manufacturing for distribution pursuant to Part 30, 32, or 33 of this chapter, byproduct material in quantities exceeding anyone of the following quantities:

Radionuclide[1]	*Quantity in curies*
Cesium-137	1
Cobalt-60	1
Gold-198	100
Iodine-131	1
Iridium-192	10
Krypton-85	1,000
Promethium-147	10
Technetium-99m	1,000

(b) Each person described in paragraph (a) of this section shall, within the first quarter of each calendar year, submit to the Director of Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545, the following reports, applicable to the described licensed activities covering the preceding calendar year: [2]

(1) A report of either (i) the total number of individuals for whom personnel monitoring was required under §§ 20.202(a) or 34.33(a) of this chapter during the calendar year, or (ii) the total number of individuals for whom personnel monitoring was provided during the calendar year; *Provided,* that such total includes at least the number of individuals required to be reported under paragraph (b)(1)(i) of this section. The report shall indicate whether it is submitted in accordance with paragraph (b)(1)(i) or (ii) of this section.

(2) A statistical summary report of the personnel monitoring information recorded by the licensee for individuals for whom personnel monitoring was either required or provided, as described in § 20.407(b)(1), indicating the number of individuals whose total whole body exposure recorded during the previous calendar year was in each of the following estimated exposure ranges:

Estimated Whole Body Exposure Range (Rems)[3]	*Number of individuals in each range*
Estimated whole body exposure range (Rems)[3]	
No measurable exposure	
Measurable exposure less than 0.1	
0.1 to 0.25	
0.25 to 0.5	
0.5 to 0.75	
0.75 to 1	
1 to 2	
2 to 3	
3 to 4	
4 to 5	
5 to 6	
6 to 7	
7 to 8	
8 to 9	
9 to 10	
10 to 11	
11 to 12	
12+	

[3] Individual values exactly equal to the values separating Exposure Ranges shall be reported in the higher range.

The low exposure range data are required in order to obtain better information about the exposures actually recorded. This section does not require improved measurements.

Effective date. This amendment becomes effective February 4, 1974.

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

Dated at Germantown, Md. this 26th day of December 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-292 Filed 1-3-74;8:45 am]

[1] The Commission may require, as a license condition, or by rule, regulation or order pursuant to § 20.502, reports from licensees who are licensed to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

[2] The report for calendar year 1973 shall be submitted by May 6, 1974. A licensee whose license expires or terminates prior to, or on the last day of the calendar year, shall submit reports at the expiration or termination of the license, covering that part of the year during which the license was in effect.

[Docket No. RM-50-1]

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Acceptance Criteria for Emergency Core Cooling Systems for Light Water-Cooled Nuclear Power Reactors

On November 30, 1971, the Atomic Energy Commission published in the FEDERAL REGISTER (36 FR 22774) a notice scheduling a legislative-type public rulemaking hearing on January 27, 1972, before a hearing board consisting of Nathaniel H. Goodrich, Esq., Chairman, Dr. Lawrence R. Quarles, and Dr. John H. Buck, concerning its interim statement of policy establishing acceptance criteria for emergency core cooling systems for light water-cooled nuclear power reactors, published June 29, 1971 (36 FR 12247). Amendments to the interim criteria were published in the FEDERAL REGISTER on December 18, 1971 (36 FR 24082) in a notice that stated that the amendments would also be considered at the rulemaking hearing.

Participation in the rulemaking hearing was extensive. The primary participants included the Commission Regulatory Staff, four reactor manufacturers, a consolidated group of electric utility companies, and the Consolidated National Intervenors (CNI), a group of about 60 organizations and individuals. In addition, three states, the Lloyd Harbor Study Group, and several individuals participated to a lesser degree. The hearings lasted a total of 125 days and generated a record of more than 22,000 pages of transcript and thousands of pages of written direct testimony and exhibits. Oral argument from the seven principal participants was heard by the Commission on October 9, 1973.

In implementation of the National Environmental Policy Act of 1969 (Pub. L. 91-190), a Draft Environmental Statement concerning the proposed rulemaking was forwarded to the Council on Environmental Quality on December 6, 1972, and circulated for comment to participants in the hearing and interested Federal Agencies on December 7, 1972. Notice of public availability of the Statement and an invitation for comment was also published in the FEDERAL REGISTER at that time. Comments on the Draft Statement were received and a Final Environmental Statement was published on May 9, 1973.

The Commission noted in the Interim Policy Statement:

> Protection against a highly unlikely loss-of-coolant accident has long been an essential part of the defense-in-depth concept used by the nuclear power industry and the AEC to assure the safety of nuclear power plants. In this concept, the primary assurance of safety is accident prevention by correctly designing, constructing, and operating the reactor. Extensive and systematic quality assurance practices are required and applied at every step to achieve this primary assurance of safety. Nevertheless, deviations from expected behavior are postulated to occur, and protective systems are installed to take corrective action as required in such events. Notwithstanding all this, the occurrence of serious accidents is postulated, in spite of the fact that they are highly unlikely, and engineered safety features are installed to mitigate the consequences of these unlikely events. The loss-of-coolant accident is such a postulated improbable accident; the emergency core cooling system is one of the engineered safety features installed to mitigate its consequences.

The Commission has adopted new regulations, set forth below, dealing with the effectiveness of ECCS. In a 140 page opinion issued on December 28, 1973, the Commission discussed the changes from the interim acceptance criteria and the technical reason for them. Copies of this opinion are available for inspection and copying at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

The principal changes from the Interim Policy Statement are as follows. The old criterion number one, specifying that the

temperature of the zircaloy cladding should not exceed 2300°F, is replaced by two criteria, lowering the allowed peak zircaloy temperature to 2200°F and providing a limit on the maximum allowed local oxidation. The other three criteria of the IAC are retained, with some modification of the wording. These three criteria limit the hydrogen generation from metal-water reactions, require maintenance of a coolable core geometry, and provide for long-term cooling of the quenched core.

The most important effect of the changes in the required features of the evaluation models is that swelling and bursting of the cladding must now be taken into consideration when they are calculated to occur, and that the maximum temperature and oxidation criteria must be applied to the region of clad swelling or bursting when the maximum temperature and oxidation are calculated to occur there. Another important change is the requirement that, in the steady state operation just before the postulated accident, the thermal conductance of the gap between the fuel pellets and the cladding should be calculated taking into consideration any increase in gap dimensions resulting from such phenomena as fuel densification, and should also consider the effects of the presence of fission gases. When these effects are taken into consideration a higher stored energy may be calculated. Other changes in the evaluation models are mostly in the direction of replacing previous broad conservative assumptions with more detailed calculations where new experimental information is available or where better calculational methods have been developed.

The wording of the definition of a loss-of-coolant accident has been modified to conform to its long-accepted usage, limiting it to breaks in pipes. The new regulations also require a more complete documentation of the evaluation models that are used.

The Commission believes that the implementation of the new regulations will ensure an adequate margin of performance of the ECCS should a design basis LOCA ever occur. This margin is provided by conservative features of the evaluation models and by the criteria themselves. Some of the major points that contribute to the conservative nature of the evaluations and the criteria are as follows:

(1) *Stored heat.* The assumption of 102 percent of maximum power, highest allowed peaking factor, and highest estimated thermal resistance between the UO_2 and the cladding provides a calculated stored heat that is possible but unlikely to occur at the time of a hypothetical accident. While not necessarily a margin over the extreme condition, it represents at least an assumption that an accident happens at a time which is not typical.

(2) *Blow-down.* The calculation of the heat transfer during blowdown is made in a very conservative manner. There is evidence that more of the stored heat would be removed than calculated, although there is not yet an accepted way of calculating the heat transfer more accurately. It is probable that this represents a conservatism of several hundred degrees F. in stored energy after blowdown, most of which can reasonably be expected to carry over to a reduction in the calculated peak temperature of the zircaloy cladding.

(3) *Rate of heat generation.* It is assumed that the heat generation rate from the decay of fission products is 20 percent greater than the proposed ANS standard. This represents an upper limit to the degree of uncertainty. The assumption that the fission product level is that resulting from operation at 102 percent of rated power for an infinite time represents an improbable situation, with a conservatism that is probably in the range of 5 to 15 percent. The use of the Baker-Just equation for calculating the heat generation from the steam oxidation of zircaloy should also provide some conservatism, but the factor is uncertain.

(4) *The peak temperature criterion.* The limitation of the peak calculated temperature of the cladding to 2200° F and the stipulation that this criterion be applied to the hottest region of the hottest fuel rod provide a substantial degree of conservatism. They ensure that the core would suffer very little damage in the accident.

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 amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification to be effective on February 4, 1974.

1. A new sentence is added to § 50.34 (a) (4) of 10 CFR Part 50 to read as follows:

§ 50.34 Contents of applications: Technical information.

(a) * * *

(4) * * * Analysis and evaluation of ECCS cooling performance following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of § 50.46 for facilities for which construction permits may be issued after December 28, 1974.

* * * * *

2. A new sentence is added to § 50.34 (b) (4) 10 CFR Part 50 to read as follows:

§ 50.34 Contents of applications; technical information.

* * * * *

(b) * * *

(4) * * * Analysis and evaluation of ECCS cooling performance following postulated loss-of-coolant accidents shall be performed in accordance with the requirements of § 50.46 for facilities for which a license to operate may be issued after December 28, 1974.

* * * * *

3. A new § 50.46 is added to 10 CFR Part 50 to read as follows:

§ 50.46 Acceptance Criteria for Emergency Core Cooling Systems for Light Water Nuclear Power Reactors.

(a) (1) Except as provided in paragraph (a) (2) and (3) of this section, each boiling and pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical Zircaloy cladding shall be provided with an emergency core cooling system (ECCS) which shall be designed such that its calculated cooling performance following postulated loss-of-coolant accidents conforms to the criteria set forth in paragraph (b) of this section. ECCS cooling performance shall be calculated in accordance with an acceptable evaluation model, and shall be calculated for a number of postulated loss-of-coolant accidents of different sizes, locations, and other properties sufficient to provide assurance that the entire spectrum of postulated loss-of-coolant accidents is covered. Appendix K, ECCS Evaluation Models, sets forth certain required and acceptable features of evaluation models. Conformance with the criteria set forth in paragraph (b) of this section with ECCS cooling performance calculated in accordance with an acceptable evaluation model, may require that restrictions be imposed on reactor operation.

(2) With respect to reactors for which operating licenses have previously been issued and for which operating licenses may ssue on or before December 28, 1974:

(i) The time within which actions required or permitted under this subparagraph (2) must occur shall begin to run on 30 days after publication of the rule in the FEDERAL REGISTER.

(ii) Within six months following the date specified in paragraph (a) (2) (i) of this section an evaluation in accordance with paragraph (a) (1) of this section shall be submitted to the Director of Regulation. The evaluation shall be accompanied by such proposed changes in technical specifications or license amendments as may be necessary to bring reactor operation in conformity with paragraph (a) (1) of this section.

(iii) Any licensee may request an extension of the six-month period referred to in paragraph (a) (2) (ii) of this section for good cause. Any such request shall be submitted not less than 45 days prior to expiration of the six-month period, and shall be accompanied by affidavits showing precisely why the evaluation is not complete and the minimum time believed necessary to complete it. The Director of Regulation shall cause notice of such a request to be published promptly in the FEDERAL REGISTER; such notice shall provide for the submission of comments by interested persons within a time period to be established by the Director of Regulation. If, upon reviewing the foregoing submissions, the Director of Regulation concludes that good cause has been shown for an extension, he may extend the six-month period for the shortest additional time which in this judgment will be necessary to enable the licensee to furnish the submissions required by paragraph (a) (2) (ii) of this section. Re-

quests for extensions of the six-month period, submitted under this subparagraph, shall be ruled upon by the Director of Regulation prior to expiration of that period.

(iv) Upon submission of the evaluation required by subparagraph (ii) of this subparagraph (2) (or under subparagraph (iii), if the six-month period is extended) the facility shall continue or commence operation only within the limits of both the proposed technical specifications or license amendments submitted in accordance with this subparagraph (2) and all technical specifications or license conditions previously imposed by the Commission, including the requirements of the Interim Policy Statement (June 29, 1971, 36 FR 12248), as amended (December 18, 1971, 36 FR 24082).

(v) Further restrictions on reactor operation will be imposed by the Director of Regulation if he finds that the evaluations submitted under subparagraphs (ii) and (iii) of this subparagraph (2) are not consistent with subparagraph (1) of this paragraph (a) and as a result such restrictions are required to protect the public health and safety.

(vi) Exemptions from the operating requirements of subparagraph (iv) of this subparagraph (2) may be granted by the Commission for good cause. Requests for such exemption shall be submitted not less than 45 days prior to the date upon which the plant would otherwise be required to operate in accordance with the procedures of said subparagraph (iv). Any such request shall be filed with the Secretary of the Commission, who shall cause notice of its receipt to be published promptly in the FEDERAL REGISTER; such notice shall provide for the submission of comments by interested persons within 14 days following FEDERAL REGISTER publication. The Director of Regulation shall submit his views as to any requested exemption within five days following expiration of the comment period.

(vii) Any request for an exemption submitted under subparagraph (vi) of this subparagraph (2) must show, with appropriate affidavits and technical submissions, that it would be in the public interest to allow the licensee a specified additional period of time within which to alter the operation of the facility in the manner required by subparagraph (iv) of this subparagraph (2). The request shall also include a discussion of the alternatives available for establishing compliance with the rule.

(3) Construction permits may be issued after December 28, 1973 but before December 28, 1974 subject to any applicable conditions or restrictions imposed pursuant to other regulations in this chapter and the Interim Acceptance Criteria for Emergency Core Cooling Systems published on June 29, 1971 (36 F.R. 12248) as amended (December 18, 1971, 36 F.R. 24082): *Provided, however,* that no operating license shall be issued for facilities constructed in accordance with construction permits issued pursuant to this subparagraph, unless the Commission determines, among other things, that the proposed facility meets the requirements of subparagraph (1) of this paragraph.

(b) (1) *Peak cladding temperature.* The calculated maximum fuel element cladding temperature shall not exceed 2200° F.

(2) *Maximum cladding oxidation.* The calculated total oxidation of the cladding shall nowhere exceed 0.17 times the total cladding thickness before oxidation. As used in this subparagraph total oxidation means the total thickness of cladding metal that would be locally converted to oxide if all the oxygen absorbed by and reacted with the cladding locally were converted to stoichiometric zirconium dioxide. If cladding rupture is calculated to occur, the inside surfaces of the cladding shall be included in the oxidation, beginning at the calculated time of rupture. Cladding thickness before oxidation means the radial distance from inside to outside the cladding, after any calculated rupture or swelling has occurred but before significant oxidation. Where the calculated conditions of transient pressure and temperature lead to a prediction of cladding swelling, with or without cladding rupture, the unoxidized cladding thickness shall be defined as the cladding cross-sectional area, taken at a horizontal plane at the elevation of the rupture, if it occurs, or at the elevation of the highest cladding temperature if no rupture is calculated to occur, divided by the average circumference at that elevation. For ruptured cladding the circumference does not include the rupture opening.

(3) *Maximum hydrogen generation.* The calculated total amount of hydrogen generated from the chemical reaction of the cladding with water or steam shall not exceed 0.01 times the hypothetical amount that would be generated if all of the metal in the cladding cylinders surrounding the fuel, excluding the cladding surrounding the plenum volume, were to react.

(4) *Coolable geometry.* Calculated changes in core geometry shall be such that the core remains amenable to cooling.

(5) *Long-term cooling.* After any calculated successful initial operation of the ECCS, the calculated core temperature shall be maintained at an acceptably low value and decay heat shall be removed for the extended period of time required by the long-lived radioactivity remaining in the core.

(c) As used in this section:

(1) Loss-of-coolant accidents (LOCA's) are hypothetical accidents that would result from the loss of reactor coolant, at a rate in excess of the capability of the reactor coolant makeup system, from breaks in pipes in the reactor coolant pressure boundary up to and including a break equivalent in size to the double-ended rupture of the largest pipe in the reactor coolant system.

(2) An evaluation model is the calculational framework for evaluating the behavior of the reactor system during a postulated loss-of-coolant accident (LOCA). It includes one or more computer programs and all other information necessary for application of the calculational framework to a specific LOCA, such as mathematical models used, assumptions included in the programs, procedure for treating the program input and output information, specification of those portions of analysis not included in computer programs, values of parameters, and all other information necessary to specify the calculational procedure.

(d) The requirements of this section are in addition to any other requirements applicable to ECCS set forth in this Part. The criteria set forth in paragraph (b), with cooling performance calculated in accordance with an acceptable evaluation model, are in implementation of the general requirements with respect to ECCS cooling performance design set forth in this Part, including in particular Criterion 35 of Appendix A.

4. A new Appendix K is added to 10 CFR Part 50 to read as follows:

APPENDIX K—ECCS EVALUATION MODELS

I. Required and Acceptable Features of Evaluation Models.

II. Required Documentation.

I. REQUIRED AND ACCEPTABLE FEATURES OF THE EVALUATION MODELS

A. *Sources of heat during the LOCA.* For the heat sources listed in paragraphs 1 to 4 below it shall be assumed that the reactor has been operating continuously at a power level at least 1.02 times the licensed power level (to allow for such uncertainties as instrumentation error), with the maximum peaking factor allowed by the technical specifications. A range of power distribution shapes and peaking factors representing power distributions that may occur over the core lifetime shall be studied and the one selected should be that which results in the most severe calculated consequences, for the spectrum of postulated breaks and single failures analyzed.

1. *The Initial Stored Energy in the Fuel.* The steady-state temperature distribution and stored energy in the fuel before the hypothetical accident shall be calculated for the burn-up that yields the highest calculated cladding temperature (or, optionally, the highest calculated stored energy.) To accomplish this, the thermal conductivity of the UO_2 shall be evaluated as a function of burn-up and temperature, taking into consideration differences in initial density, and the thermal conductance of the gap between the UO_2 and the cladding shall be evaluated as a function of the burn-up, taking into consideration fuel densification and expansion, the composition and pressure of the gases within the fuel rod, the initial cold gap dimension with its tolerances, and cladding creep.

2. *Fission Heat.* Fission heat shall be calculated using reactivity and reactor kinetics. Shutdown reactivities resulting from temperatures and voids shall be given their minimum plausible values, including allowance for uncertainties, for the range of power distribution shapes and peaking factors indicated to be studied above. Rod trip and insertion may be assumed if they are calculated to occur.

3. *Decay of Actinides.* The heat from the radioactive decay of actinides, including neptunium and plutonium generated during operation, as well as isotopes of uranium, shall be calculated in accordance with fuel cycle calculations and known radioactive properties. The actinide decay heat chosen

shall be that appropriate for the time in the fuel cycle that yields the highest calculated fuel temperature during the LOCA.

4. *Fission Product Decay.* The heat generation rates from radioactive decay of fission products shall be assumed to be equal to 1.2 times the values for infinite operating time in the ANS Standard (Proposed American Nuclear Society Standards—"Decay Energy Release Rates Following Shutdown of Uranium-Fueled Thermal Reactors". Approved by Subcommittee ANS–5, ANS Standards Committee, October 1971). The fraction of the locally generated gamma energy that is deposited in the fuel (including the cladding) may be different from 1.0; the value used shall be justified by a suitable calculation.

5. *Metal-Water Reaction Rate.* The rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation (Baker, L., Just, L.C., "Studies of Metal Water Reactions at High Temperatures, III. Experimental and Theoretical Studies of the Zirconium-Water Reaction," ANL–6548, page 7, May 1962). The reaction shall be assumed not to be steam limited. For rods whose cladding is calculated to rupture during the LOCA, the inside of the cladding shall also be assumed to react after the rupture. The calculation of the reaction rate on the inside of the cladding shall also follow the Baker-Just equation, starting at the time when the cladding is calculated to rupture, and extending around the cladding inner circumference and axially no less than 1.5 inches each way from the location of the rupture, with the reaction assumed not to be steam limited.

6. *Reactor Internals Heat Transfer.* Heat transfer from piping, vessel walls, and nonfuel internal hardware shall be taken into account.

7. *Pressurized Water Reactor Primary-to-Secondary Heat Transfer.* Heat transferred between primary and secondary systems through heat exchangers (steam generators) shall be taken into account. (Not applicable to Boiling Water Reactors.)

B. SWELLING AND RUPTURE OF THE CLADDING AND FUEL ROD THERMAL PARAMETERS

Each evaluation model shall include a provision for predicting cladding swelling and rupture from consideration of the axial temperature distribution of the cladding and from the difference in pressure between the inside and outside of the cladding, both as functions of time. To be acceptable the swelling and rupture calculations shall be based on applicable data in such a way that the degree of swelling and incidence of rupture are not underestimated. The degree of swelling and rupture shall be taken into account in calculations of gap conductance, cladding oxidation and embrittlement, and hydrogen generation.

The calculations of fuel and cladding temperatures as a function of time shall use values for gap conductance and other thermal parameters as functions of temperature and other applicable time-dependent variables. The gap conductance shall be varied in accordance with changes in gap dimensions and any other applicable variables.

C. BLOWDOWN PHENOMENA

1. *Break Characteristics and Flow.* a. In analyses of hypothetical loss-of-coolant accidents, a spectrum of possible pipe breaks shall be considered. This spectrum shall include instantaneous double-ended breaks ranging in cross-sectional area up to and including that of the largest pipe in the primary coolant system. The analysis shall also include the effects of longitudinal splits in the largest pipes, with the split area equal to the cross-sectional area of the pipe.

b. *Discharge Model.* For all times after the discharging fluid has been calculated to be two-phase in composition, the discharge rate shall be calculated by use of the Moody model (F. J. Moody, "Maximum Flow Rate of a Single Component, Two-Phase Mixture," *Journal of Heat Transfer, Trans American Society of Mechanical Engineers,* 87, No. 1, February, 1965). The calculation shall be conducted with at least three values of a discharge coefficient applied to the postulated break area, these values spanning the range from 0.6 to 1.0. If the results indicate that the maximum clad temperature for the hypothetical accident is to be found at an even lower value of the discharge coefficient, the range of discharge coefficients shall be extended until the maximum clad temperature calculated by this variation has been achieved.

c. *End of Blowdown.* (Applies Only to Pressurized Water Reactors.) For postulated cold leg breaks, all emergency cooling water injected into the inlet lines or the reactor vessel during the bypass period shall in the calculations be subtracted from the reactor vessel calculated inventory. This may be executed in the calculation during the bypass period, or as an alternative the amount of emergency core cooling water calculated to be injected during the bypass period may be subtracted later in the calculation from the water remaining in the inlet lines, downcomer, and reactor vessel lower plenum after the bypass period. This bypassing shall end in the calculation at a time designated as the "end of bypass," after which the expulsion or entrainment mechanisms responsible for the bypassing are calculated not to be effective. The end-of-bypass definition used in the calculation shall be justified by a suitable combination of analysis and experimental data. Acceptable methods for defining "end of bypass" include, but are not limited to, the following: (1) Prediction of the blowdown calculation of downward flow in the downcomer for the remainder of the blowdown period; (2) Prediction of a threshold for droplet entrainment in the upward velocity, using local fluid conditions and a conservative critical Weber number.

d. *Noding Near the Break and the ECCS Injection Points.* The noding in the vicinity of and including the broken or split sections of pipe and the points of ECCS injection shall be chosen to permit a reliable analysis of the thermodynamic history in these regions during blowdown.

2. *Frictional Pressure Drops.* The frictional losses in pipes and other components including the reactor core shall be calculated using models that include realistic variation of friction factor with Reynolds number, and realistic two-phase friction multipliers that have been adequately verified by comparison with experimental data, or models that prove at least equally conservative with respect to maximum clad temperature calculated during the hypothetical accident. The modified Baroczy correlation (Baroczy, C. J., "A Systematic Correlation for Two-Phase Pressure Drop," *Chem. Enging. Prog. Symp. Series,* No. 64, Vol. 62, 1965) or a combination of the Thom correlation (Thom, J.R.S., "Prediction of Pressure Drop During Forced Circulation Boiling of Water," *Int. J. of Heat & Mass Transfer,* 7, 709–724, 1964) for pressures equal to or greater than 250 psia and the Martinelli-Nelson correlation (Martinelli, R. C. Nelson, D.B., "Prediction of Pressure Drop During Forced Circulation Boiling of Water," *Transactions of ASME,* 695–702, 1948) for pressures lower than 250 psia is acceptable as a basis for calculating realistic two-phase friction multipliers.

3. *Momentum Equation.* The following effects shall be taken into account in the conservation of momentum equation: (1) temporal change of momentum, (2) momentum convection, (3) area change momentum flux, (4) momentum change due to compressibility, (5) pressure loss resulting from wall friction, (6) pressure loss resulting from area change, and (7) gravitational acceleration. Any omission of one or more of these terms under stated circumstances shall be justified by comparative analyses or by experimental data.

4. *Critical Heat Flux.* a. Correlations developed from appropriate steady-state and transient-state experimental data are acceptable for use in predicting the critical heat flux (CHF) during LOCA transients. The computer programs in which these correlations are used shall contain suitable checks to assure that the physical parameters are within the range of parameters specified for use of the correlations by their respective authors.

b. Steady-state CHF correlations acceptable for use in LOCA transients include, but are not limited to, the following:

(1) *W 3.* L. S. Tong, "Prediction of Departure from Nucleate Boiling for an Axially Non-uniform Heat Flux Distribution," *Journal of Nuclear Energy,* Vol. 21, 241–248, 1967.

(2) *B&W–2.* J. S. Gellerstedt, R. A. Lee, W. J. Oberjohn, R. H. Wilson, L. J. Stanek, "Correlation of Critical Heat Flux in a Bundle Cooled by Pressurized Water," *Two-Phase Flow and Heat Transfer in Rod Bundles,* ASME, New York, 1969.

(3) *Hench-Levy.* J. M. Healzer, J. E. Hench, E. Janssen, S. Levy "Design Basis for Critical Heat Flux Condition in Boiling Water Reactors," APED–5186, GE Company Private report, July 1966.

(4) *Macbeth. R. V.* Macbeth, "An Appraisal of Forced Convection Burnout Data," *Proceedings of the Institute of Mechanical Engineers,* 1965–1966.

(5) *Barnett.* P. G. Barnett, "A Correlation of Burnout Data for Uniformly Heated Annuli and Its Uses for Predicting Burnout in Uniformly Heated Rod Bundles," AEEW–R 468, 1966.

(6) *Hughes.* E. D. Hughes, "A Correlation of Rod Bundle Critical Heat Flux for Water in the Pressure Range 150 to 725 psia," IN–1412, Idaho Nuclear Corporation, July 1970.

c. Correlations of appropriate transient CHF data may be accepted for use in LOCA transient analyses if comparisons between the data and the correlations are provided to demonstrate that the correlations predict values of CHF which allow for uncertainty in the experimental data throughout the range of parameters for which the correlations are to be used. Where appropriate, the comparisons shall use statistical uncertainty analysis of the data to demonstrate the conservatism of the transient correlation.

d. Transient CHF correlations acceptable for use in LOCA transients include, but are not limited to, the following:

(1) *GE transient CHF.* B. C. Slifer, J. E. Hench, "Loss-of-Coolant Accident and Emergency Core Cooling Models for General Electric Boiling Water Reactors," NEDO–10329, General Electric Company, Equation C–32, April 1971.

e. After CHF is first predicted at an axial fuel rod location during blowdown, the calculation shall not use nucleate boiling heat transfer correlations at that location subsequently during the blowdown even if the calculated local fluid and surface conditions would apparently justify the reestablishment of nucleate boiling. Heat transfer assumptions characteristic of return to nucleate boiling (rewetting) shall be permitted when justified by the calculated local fluid and surface conditions during the reflood portion of a LOCA.

5. *Post-CHF Heat Transfer Correlations.* a. Correlations of heat transfer from the fuel cladding to the surrounding fluid in the post-CHF regimes of transition and film boiling shall be compared to applicable steady-state and transient-state data using statistical correlation and uncertainty analyses. Such comparison shall demonstrate that the correlations predict values of heat transfer coefficient equal to or less than the mean value of the applicable experimental heat transfer data throughout the range of parameters for which the correlations are to be used. The comparisons shall quantify the relation of the correlations to the statistical uncertainty of the applicable data.

b. The Groeneveld flow film boiling correlation (equation 5.7 of D.C. Groeneveld, "An Investigation of Heat Transfer in the Liquid Deficient Regime," AECL–3281, revised December 1969), the Dougall-Rohsenow flow film boiling correlation (R. S. Dougall and W. M. Rohsenow, "Film Boiling on the Inside of Vertical Tubes with Upward Flow of the Fluid at Low Qualities,: MIT Report Number 9079–26, Cambridge, Massachusetts, September 1963), and the Westinghouse correlation of steady-state transition boiling ("Proprietary Redirect/Rebuttal Testimony of Westinghouse Electric Corporation," U.S.A.E.C. Docket RM–50–1, page 25–1, October 26, 1972) are acceptable for use in the poast-CHF boiling regimes. In addition the transition boiling correlation of McDonough, Milich, and King (J. B. McDonough, W. Milich, E. C. King, "Partial Film Boiling with Water at 2000 psig in a Round Vertical Tube," MSA Research Corp., Technical Report 62 (NP–6976), (1958) is suitable for use between nucelate and film boiling. Use of all these correlations shall be restricted as follows:

(1) The Groeneveld correlation shall not be used in the region near its low-pressure singularity,

(2) the first term (nucleate) of the Westinghouse correlation and the entire McDonough, Milich, and King correlation shall not be used during the blowdown after the temperature difference between the clad and the saturated fluid first exceeds 300° F,

(3) transition boiling heat transfer shall not be reapplied for the remainder of the LOCA blowdown, even if the clad superheat returns below 300° F, except for the reflood portion of the LOCA when justified by the calculated local fluid and surface conditions.

6. *Pump Modeling.* The characteristics of rotating primary system pumps (axial flow, turbine, or centrifugal) shall be derived from a dynamic model that includes momentum transfer between the fluid and the rotating member, with variable pump speed as a function of time. The pump model resistance used for analysis should be justified. The pump model for the two-phase region shall be verified by applicable two-phase pump performance data. For BWR's after saturation is calculated at the pump suction, the pump head may be assumed to vary linearly with quality, going to zero for one percent quality at the pump suction, so long as the analysis shows that core flow stops before the quality at pump suction reaches one percent.

7. *Core Flow Distribution During Blowdown.* (Applies only to pressurized water reactors.)

a. The flow rate through the hot region of the core during blowdown shall be calculated as a function of time. For the purpose of these calculations the hot region chosen shall not be greater than the size of one fuel assembly. Calculations of average flow and flow in the hot region shall take ino account cross flow between regions and any flow blockage calculated to occur during blowdown as a result of cladding swelling or rupture. The calculated flow shall be smoothed to eliminate any calculated rapid oscillations (period less than 0.1 seconds).

b. A method shall be specified for determining the enthalpy to be used as input data to the hot channel heatup analysis from quantities calculated in the blowdown analysis, consistent with the flow distribution calculations.

D. POST-BLOWDOWN PHENOMENA; HEAT REMOVAL BY THE ECCS

1. *Single Failure Criterion.* An analysis of possible failure modes of ECCS equipment and of their effects on ECCS performance must be made. In carrying out the accident evaluation the combination of ECCS subsystems assumed to be operative shall be those available after the most damaging single failure of ECCS equipment has taken place.

2. *Containment Pressure.* The containment pressure used for evaluating cooling effectiveness during reflood and spray cooling shall not exceed a pressure calculated conservatively for this purpose. The calculation shall include the effects of operation of all installed pressure-reducing systems and processes.

3. *Calculation of Reflood Rate for Pressurized Water Reactors.* The refilling of the reactor vessel and the time and rate of reflooding of the core shall be calculated by an acceptable model that takes into consideration the thermal and hydraulic characteristics of the core and of the reactor system. The primary system coolant pumps shall be assumed to have locked impellers if this assumption leads to the maximum calculated cladding temperature; otherwise the pump rotor shall be assumed to be running free. The ratio of the total fluid flow at the core exit plane to the total liquid flow at the core inlet plane (carryover fraction) shall be used to determine the core exit flow and shall be determined in accordance with applicable experimental data (for example, "PWR FLECHT (Full Length Emergency Cooling Heat Transfer) Final Report," Westinghouse Report WCAP–7665, April 1971; "PWR Full Length Emergency Cooling Heat Transfer (FLECHT) Group I Test Report," Westinghouse Report WCAP–7435, January 1970; "PWR FLECHT (Full Length Emergency Cooling Heat Transfer) Group II Test Report," Westinghouse Report WCAP–7544, September 1970; "PWR FLECHT Final Report Supplement," Westinghouse Report WCAP–7931, October 1972).

The effects on reflooding rate of the compressed gas in the accumulator which is discharged following accumulator water discharge shall also be taken into account.

4. *Steam Interaction with Emergency Core Cooling Water in Pressurized Water Reactors.* The thermal-hydraulic interaction between steam and all emergency core cooling water shall be taken into account in calculating the core reflooding rate. During refill and reflood, the calculated steam flow in unbroken reactor coolant pipes shall be taken to be zero during the time that accumulators are discharging water into those pipes unless experimental evidence is available regarding the realistic thermal-hydraulic interaction between the steam and the liquid. In this case, the experimental data may be used to support an alternate assumption.

5. *Refill and Reflood Heat Transfer for Pressurized Water Reactors.* For reflood rates of one inch per second or higher, reflood heat transfer coefficients shall be based on applicable experimental data for unblocked cores including FLECHT results ("PWR FLECHT (Full Length Emergency Cooling Heat Transfer) Final Report," Westinghouse Report WCAP–7665, April 1971). The use of a correlation derived from FLECHT data shall be demonstrated to be conservative for the transient to which it is applied; presently available FLECHT heat transfer correlations ("PWR Full Length Emergency Cooling Heat Transfer (FLECHT) Group I Test Report," Westinghouse Report WCAP–7544, September 1970; "PWR FLECHT Final Report Supplement," Westinghouse Report WCAP–7931, October 1972) are not acceptable. New correlations or modifications to the FLECHT heat transfer correlations are acceptable only after they are demonstrated to be conservative, by comparison with FLECHT data, for a range of parameters consistent with the transient to which they are applied.

During refill and during reflood when reflood rates are less than one inch per second, heat transfer calculations shall be based on the assumption that cooling is only by steam, and shall take into account any flow blockage calculated to occur as a result of cladding swelling or rupture as such blockage might affect both local steam flow and heat transfer.

6. *Convective Heat Transfer Coefficients for Boiling Water Reactor Fuel Rods Under Spray Cooling.* Following the blowdown period, convective heat transfer shall be calculated using coefficients based on appropriate experimental data. For reactors with jet pumps and having fuel rods in a 7 x 7 fuel assembly array, the following convective coefficients are acceptable:

a. During the period following lower plenum flashing but prior to the core spray reaching rated flow, a convective heat transfer coefficient of zero shall be applied to all fuel rods.

b. During the period after core spray reaches rated flow but prior to reflooding, convective heat transfer coefficients of 3.0, 3.5, 1.5, and 1.5 Btu-hr^{-1}-ft^{-2}°F^{-1} shall be applied to the fuel rods in the outer corners, outer row, next to outer row, and to those remaining in the interior, respectively, of the assembly.

c. After the two-phase reflooding fluid reaches the level under consideration, a convective heat transfer coefficient of 25 Btu-hr^{-1}-ft^{-2}°F^{-1} shall be applied to all fuel rods.

7. *The Boiling Water Reactor Channel Box Under Spray Cooling.* Following the blowdown period, heat transfer from, and wetting of, the channel box shall be based on appropriate experimental data. For reactors with jet pumps and fuel rods in a 7x7 fuel assembly array, the following heat transfer coefficients and wetting time correlation are acceptable.

a. During the period after lower plenum flashing, but prior to core spray reaching rated flow, a convective coefficient of zero shall be applied to the fuel assembly channel box.

b. During the period after core spray reaches rated flow, but prior to wetting of the channel, a convective heat transfer coefficient of 5 Btu-hr^{-1}-ft^{-2}-°F^{-1} shall be applied to both sides of the channel box.

c. Wetting of the channel box shall be assumed to occur 60 seconds after the time determined using the correlation based on the Yamanouchi analysis ("Loss-of-Coolant Accident and Emergency Core Cooling Models for General Electric Boiling Water Reactors," General Electric Company Report NEDO–10329, April 1971).

II. REQUIRED DOCUMENTATION

1. a. A description of each evaluation model shall be furnished. The description shall be sufficiently complete to permit technical review of the analytical approach including the equations used, their approximations in difference form, the assumptions made, and the values of all parameters or the procedure for their selection, as for example, in accordance with a specified physical law or empirical correlation.

b. The description shall be sufficiently detailed and specific to require significant changes in the evaluation model to be specified in amendments of the description. For

this purpose, a significant change is a change that would result in a calculated fuel cladding temperature different by more than 20°F from the temperature calculated (as a function of time) for a postulated LOCA using the last previously accepted model.

c. A complete listing of each computer program, in the same form as used in the evaluation model, shall be furnished to the Atomic Energy Commission.

2. For each computer program, solution convergence shall be demonstrated by studies of system modeling or noding and calculational time steps.

3. Appropriate sensitivity studies shall be performed for each evaluation model, to evaluate the effect on the calculated results of variations in noding, phenomena assumed in the calculation to predominate, including pump operation or locking, and values of parameters over their applicable ranges. For items to which results are shown to be sensitive, the choices made shall be justified.

4. To the extent practicable, predictions of the evaluation model, or portions thereof, shall be compared with applicable experimental information.

5. General Standards for Acceptability—Elements of evaluation models reviewed will include technical adequacy of the calculational methods, including compliance with required features of Section I of this Appendix K and provision of a level of safety and margin of conservatism comparable to other acceptable evaluation models, taking into account significant differences in the reactors to which they apply.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948, 80 Stat. 383, 81 Stat. 54; 22 U.S.C. 2201, 5 U.S.C. 552, 553.)

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

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-287 Filed 1-3-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

MAXIMUM LOAN VALUE OF STOCKS

Parts 207, 220 and 221 (Regulations G, T and U) are amended to change from 35 percent to 50 percent the maximum loan value of margin securities. This will have the effect of decreasing the amount of margin required for stock-secured loans and short sales.

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS OR DEALERS

1. Effective January 3, 1974, § 207.5(a) (the Supplement to Regulation G) is amended to read as follows:

§ 207.5 Supplement.

(a *Maximum loan value of margin securities.* For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d), shall be 50 percent of its current market value, as determined by any reasonable method.

* * * * *

PART 220—CREDIT BY BROKERS AND DEALERS

2. Effective January 3, 1974, § 220.8 (a) (1) and (d) (the Supplement to Regulation T) is amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security (except as provided in § 220.3(c) and paragraphs (b) and (c) of this section) 50 per cent of the current market value of such securities.

* * * * *

(d) *Margin required for short sales.* The amount to be included in the adjusted debit balance of a general account, pursuant to § 220.3(d)(3), as margin required for short sales of securities (other than exempted securities) shall be 50 per cent of the current market value of each security.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3. Effective January 3, 1974, § 221.4(a) (the Supplement to Regulation U) is amended to read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purposes of § 221.1, the maximum loan value of any stock, whether or not registered on a national securities exchange, shall be 50 percent of its current market value, as determined by any reasonable method.

* * * * *

4a. These amendments are issued pursuant to section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g).

b. The requirements of 5 U.S.C. section 553 with respect to notice and public participation were not followed in connection with these amendments because following such requirements would be impracticable due to the highly technical nature of the subject matter involved and because it would be contrary to the public interest if this action were not immediately effective. The requirements of 5 U.S.C. section 553 with respect to deferred effective dates were not followed in connection with these amendments because these amendments relieve restrictions previously imposed.

By order of the Board of Governors, January 2, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-531 Filed 1-2-74;5:04 pm]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 73-2084]

PART 582—OFFICES

Satellite Offices of District of Columbia Savings and Loan Associations

DECEMBER 21, 1973.

The Federal Home Loan Bank Board considers it advisable to amend § 582.1-1 of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1-1), relating to satellite offices, for the principal purposes of removing the requirements that (a) a satellite office (other than a fully automated satellite office) be located within a retail sales establishment such as a department store or supermarket and (b) a fully automated satellite office be located either within such a retail sales establishment or in a shopping center, office building or transportation terminal. In addition, the Board considers it advisable to make certain minor or conforming regulatory changes relating to satellite offices.

Accordingly, the Federal Home Loan Bank Board hereby amends said § 582.1-1 by revising paragraph (a), subparagraphs (1) and (8) of paragraph (c), subparagraphs (4) and (5) of paragraph (g), and the last sentence of paragraph (g), to read as set forth below, effective January 4, 1974.

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

The amendments set forth below effect the following regulatory changes:

1. Paragraph (a) of § 582.1-1, entitled "Nature of a satellite office", is revised by adding the following description of a fully automated satellite office: "A fully automated satellite office is one which is to be operated wholly by machines and without tellers or other personnel to handle transactions with the public." It is noted that this description is the same as the description of a fully automated satellite office previously in subdivision (c)(1)(v) of § 582.1-1, which subdivision has been deleted.

2. Subparagraph (c)(1) of § 582.1-1, entitled "Specific provisions", previously required a satellite office (other than a fully automated satellite office) to be located in a retail sales establishment and required a fully automated satellite office

to be located either in a retail sales establishment or in a shopping center, office building, or transportation terminal. This subparagraph is revied to "permit" (rather than "require") the location of any satellite office in premises occupied by a retail sales establishment or any other business organization if there is compliance with the following requirements of subparagraph (c) (6) of § 582.1–1:

No satellite office may be located either (i) more than 5 miles from, or (ii) outside the primary service area of, the District of Columbia association's home or branch office of which it is a satellite. No satellite office may be located outside of the District of Columbia, unless such office is to be a satellite of a branch office located outside of the District of Columbia.

3. Subdivisions (i) through (iv) of § 582.1–1(c) (1) previously prescribed the following physical requirements for manned satellite offices (fully automated satellite offices not located in retail sales establishments were subject only to number (5)):

(1) A satellite office shall be wholly in the interior of the premises of the retail sales establishment;

(2) A satellite office shall not be accessible by a separate outside entrance;

(3) A satellite office shall not occupy more than 500 square feet of floor space;

(4) A satellite office shall not occupy more than ⅓ of the total floor space of the premises in which it is located;

(5) Provision shall not be made for more than 4 teller stations (or the mechanical equivalent thereof in the case of a fully automated satellite office); and

(6) Any outside sign or other display on behalf of the satellite office shall be subordinate to other signs or displays.

Revised § 582.1–1(c) (1) provides that the only physical requirements for a manned satellite office, wherever located, are that (1) it shall not occupy more than 500 square feet of floor space and (2) provision shall not be made for more than 4 teller stations. Fully automated satellite offices have only one physical requirement: *viz.*, provision shall not be made for the mechanical equivalent of more than 4 teller stations.

4. A conforming change expands the coverage of subparagraph (8) of § 582.1–1(c) which previously provided as follows:

(8) A District of Columbia association may not enter into an agreement of any kind for the exclusive right to operate satellite offices in a specified area at all or a majority of all locations of a retail chain of any kind, or under which other financial institutions would be excluded from operating satellite offices or other facilities at locations of a retail chain where such District of Columbia association does not have a satellite office.

Since the location of manned satellite offices no longer is limited to retail sales establishments, the term "retail chain" as used above is changed to "business organization".

5. Minor conforming revisions are made in subparagraphs (4) and (5) and in the last sentence of paragraph (g) of § 582.1–1.

The text of the appropriate portions of § 582.1–1, as hereby amended, is as follows:

§ 582.1–1 Satellite office.

(a) *Nature of a satellite office.* An office of a District of Columbia association which is not its home office or a branch office approved pursuant to § 582.1 shall be deemed to be a satellite office if it meets the requirements of a satellite office as described in this section and if it is a satellite of the association's home office or a branch office in that it is located in the primary service area, as determined by the Board or Supervisory Agent, of such home office or branch office. A fully automated satellite office is one which is to be operated wholly by machines and without tellers or other personnel to handle transactions with the public. Any business of a District of Columbia association, as authorized by the association's board of directors, may be transacted at a satellite office.

* * * * *

(c) *Specific provisions.* Each application for permission to establish a satellite office will be considered or processed pursuant to the provisions of this section. Approval of such an application pursuant to this section will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

(1) A satellite office may be, but is not required to be, located within premises principally occupied by a retail sales establishment or any other business organization. A satellite office shall be operated in conformity with the following physical requirements:

(i) The satellite office, other than a fully automated satellite office, shall not occupy more than 500 square feet of floor space; and

(ii) Provision shall not be made for more than 4 teller stations or, in the case of a fully or partly automated satellite office, the equivalent of 4 teller stations, as determined by the Board or Supervisory Agent at time of approval.

* * * * *

(8) A District of Columbia association may not enter into an agreement of any kind for the exclusive right to operate satellite offices in a specified area at all or a majority of all locations of a business organization of any kind, or under which other financial institutions would be excluded from operating satellite offices or other facilities at locations of such a business organization where such District of Columbia association does not have a satellite office.

* * * * *

(g) *Approval by Supervisory Agent.* The Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a satellite office if the following conditions have been met:

* * * * *

(4) In the opinion of the Supervisory Agent, the business of a retail sales establishment or other business organization referred to in paragraph (c) (1) of this section is not inappropriate to the operation of a savings and loan activity in the same location;

(5) Operation of the satellite office will not cause the limitation in paragraph (c) (5) of this section on the number of such offices to be exceeded; and

* * * * *

The Supervisory Agent shall disapprove any application which does not meet the requirements of subparagraph (5) of this paragraph, but shall forward to the Board for its consideration, together with his recommendation, any application which does not meet the other requirements of this paragraph. In addition, the Supervisory Agent shall forward to the Board an application, which, in his opinion, should be approved for a shorter period than the five-year limit specified in paragraph (c) of this section, together with his recommendation as to the shorter period for which the application should be approved. The Supervisory Agent is not required, in approving an application under this section, to obtain assurance that the applicable requirements of subdivisions (i) and (ii) of paragraph (c) (1) of this section will be met, since such requirements are continuing requirements to be observed by the District of Columbia association.

* * * * *

(Sec. 5, 48 Stat. 132, as amended, Sec. 8, 48 Stat. 134, as added by Sec. 913, 84 Stat. 1815; 12 U.S.C. 1464, 1466a. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74–312 Filed 1–3–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–AL–1]

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

Alteration of Nome, Alaska, Control Zone and Transition Area

On June 21, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 16238) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nome, Alaska, Control Zone and Transition Area to comply with the United States Standard for Terminal Procedures (TERPs) and revised criteria for establishment of Terminal Controlled Airspace. Refined coordinates of the airport reference point were also contained in the docket.

Interested persons were afforded an opportunity to participate in the pro-

posed rulemaking through the submission of comments. One comment was received in response to the Notice. The Nome Flying Service objected to the widening of the control zone extension, stating that it would eliminate an accepted east/west VFR corridor and a holding point for special VFR traffic just east of the 5-mile radius control zone. No objection was made to the proposed transition area.

Subsequent to the Notice being issued, a decision was made to accelerate the planned conversion of the Nome LFR to a RBN due to the unreliability of the range course. The Nome LFR will be converted to the Fort Davis RBN, and a realigned NDB approach course, that allows the control zone extension to be rotated a sufficient distance to resolve the objection, will become effective at the same time as this action.

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

1. In § 71.171 (39 FR 354) the Nome, Alaska, Control Zone is amended to read:

NOME, ALASKA

Within a 5-mile radius of the Nome Airport (Latitude 64°30'46"N., Longitude 165° 26'31"W.); within 2.5 miles each side of the Fort Davis RBN 101° bearing extending from the 5-mile radius zone to 6 miles east of the RBN; within 3 miles north and 4 miles south of the Nome VOR 107° and 287° radials, extending from the 5-mile radius zone to 8.5 miles east of the VOR.

2. In § 71.181 (39 FR 440) the Nome Alaska, Transition Area is amended to read:

NOME, ALASKA

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the Nome VOR, extending clockwise from the 277° radial to the 134° radial; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Nome VOR.

(Secs. 307(a), 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 FR 9565); Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on December 28, 1973.

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

[FR Doc.74-298 Filed 1-3-74;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regs., Amdt.]

PART 377—SHORT SUPPLY CONTROLS

Submission Dates for Statement of Past Participation

I. Revision of Submission Dates for Statement of Past Participation.

PURPOSE AND EFFECT

Volume 38, No. 239 of the FEDERAL REGISTER, dated December 13, 1973 announced that exporters who wish to be considered to receive shares in the quotas to be established for exports of certain petroleum products must submit a statement on Form DIB-669P, "Petroleum and Petroleum Products—Past Participation Statement." The form was either to be mailed to the Office of Export Administration by special delivery, certified mail, bearing a postmark by the U.S. Postal Service which was prior to December 22, 1973, or hand delivered no later than December 27, 1973. Exporters were advised that Form DIB-669P could be obtained from all Department of Commerce District Offices or from the Office of Export Administration in Washington, D.C. Supplies of Form DIB-669P, however, did not reach all District Offices in time to be available for exporters to comply with the above deadlines. Accordingly, the Export Administration Regulations are revised to extend each due date one week, to December 29, 1973, and January 3, 1974, respectively. Also, in order to eliminate several steps in the mail delivery system, the Forms should be mailed to the Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044.

Accordingly, § 377.6 of the Export Administration Regulations (15 CFR Part 377) is amended by revising paragraph (a) to read as follows:

§ 377.6 Petroleum and petroleum products.

(a) *Statement of past participation.* In order to receive shares of the quotas for the petroleum commodities (other than crude oils) listed in Supplement No. 1 to this Part 377, an exporter must submit a statement of past participation on Form DIB-669P. The statement to be eligible for consideration must be either (1) mailed to the Office of Export Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044, by special delivery certified mail, bearing a postmark by the U.S. Postal Service which is prior to December 29, 1973, or (2) hand delivered (with a receipt being retained) to the Office of Export Administration, Room 1613, Main Department of Commerce Building, 14th and E Streets, N.W., Washington, D.C., no later than January 3, 1974. Such statement shall indicate (separately for each foreign country of destination) the quantities (in the units specified in Supplement No. 1) of each petroleum commodity, by Schedule B number, which the exporter exported to each such country during each calendar month of 1971, 1972, and the first six months of 1973. Such statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525-V) filed in accordance with Part 386 of this chapter.

* * * * *

Effective date of Action: December 21, 1973.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-256 Filed 1-3-74;8:45 am]

Title 29—Labor

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

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of the Nevada Plan

Background. Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval, under the requirements of that section, plans to assume responsibilities for the development and enforcement of State occupational safety and health standards.

On December 12, 1972, the State of Nevada submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on March 16, 1973, a notice was published in the Federal Register (38 FR 7157) concerning the submission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him.

The plan involves the enactment and implementation of legislation to effectuate a comprehensive occupational safety and health program in Nevada. The State's program will be enforced by the Department of Industrial Safety of the Industrial Commission of the State of Nevada. However, administrative adjudications of contested proposed penalties will be the responsibility of an independent five member review board appointed by the Governor.

The State program is expected to extend its protection to all employees in the State (including those employed by it and its political subdivisions) except those employed by Federal agencies, and those working in mines, motor vehicles, and railroads, subject to the exercise of jurisdiction under other Federal safety and health programs.

Interested persons were afforded thirty days by the notice published on March 16, 1973, to submit written comments concerning the plan. Further, interested persons were afforded an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the

basis of substantial objections to the contents of the plan. No requests for a hearing were received in response to the notice. However, several deficiencies, ambiguities and concerns with respect to program features required by this department's regulations (29 CFR Part 1902) were noted by the Standing Committee on Safety and Occupational Health of the American Federation and Congress of Industrial Organizations (A.F.L.–C.I.O.) and by the Occupational Safety and Health Administration.

Since the submission of the plan, a Comprehensive Nevada Occupational Safety and Health Act has been enacted by that State, effective July 1, 1973. This Act eliminated most of the faults found in the proposed legislation contained in the plan as originally submitted.

Following the passage of the Act, the State submitted letters dated July 26, August 10, and November 5, 1973, and a telegram dated December 5, 1973, to the Occupational Safety and Health Administration which amended the plan, and are incorporated therein, to meet the remaining objections thereto.

Issues. As noted above, the State has modified and clarified its plan in order to meet the objections that had been raised in the following areas during the review process.

(a) *Employee rights.* The communications supplementing the plan include proposals to amend the Nevada Occupational Safety and Health Act during the 1975 Session of the State legislature to include the following:

1. A provision to assure employees requesting investigations, written notice of any decisions not to conduct investigations in response thereto (Sec. 39–2);

2. A requirement that employers notify employees of any exposure to overdoses of toxic materials or harmful physical agents and of corrective action taken;

3. A provision to permit an employee who "may be" (rather than an employee who already "is") injured to seek a writ of mandamus to compel agency action where it has arbitrarily or capriciously failed to seek judicial restraint of an imminent danger (see Sec. 32);

4. An amendment to the definition of "employer" (Sec. 11) to remove any possibility that sanctions may be imposed against a supervisory employee for a violation rather than against the employing enterprise;

5. Authority will be given to the State Labor Commissioner to enforce and prosecute cases involving discrimination against employees for exercising rights granted by the program. The Labor Commissioner will notify employees complaining of such discrimination of his determination of their cases within 90 days of receiving their complaints.

Placing responsibility and authority in the State agency for investigating and prosecuting acts of discrimination against employees exercising rights under the program is critical to its effective operation. Although the right to be free from discrimination accrues to the individual, it affects the public interest. Individual employees are seldom in the position, for financial or other reasons, to seek legal redress on their own. Without public representation in combating discrimination, employee rights might not be exercised and an important element of a balanced program would be lacking (see *Brooklyn Savings Bank* v. *O'Neil*, 324 U.S. 697; *Mitchell* v. *Turner*, 286 F. 2d 104 (C.A. 5); and Berg, Equal Employment Opportunity under the Civil Rights Act of 1964, 31 Brooklyn L. Rev. 62, 82, 86).

Under the State's developmental timetable, the amendment giving the State authority to prosecute discrimination cases is scheduled to take effect in July 1975. In the meantime, the authority of the Secretary to bring actions under section 11(c) of the Federal Occupational Safety and Health Act of 1970 to remedy discrimination against employees for exercising rights under both Federal and State law (see South Carolina approval decision, 37 FR 25933) will continue (see 29 CFR 1977.23). The State is expected to advise employees of these continuing rights under Federal law.

(b) *Administration.* The State has also promised to seek amendments to accomplish the following:

1. Authority to permit the review board to use hearing officers to conduct preliminary review of contested citations;

2. Limit the program's exemptions concerning places of employment subject to the jurisdiction of other Federal safety and health programs to those situations where such other authority actually exercises its jurisdiction.

3. The phrase "safety and health" will replace the words "safety" or "health" where used singly;

4. The references to hearings by the Director of the agency will be deleted (see Sec. 34); and

5. *Agency Appeal Rights.* An amendment will specifically give the agency authority to obtain judicial review of adverse decisions of the Review Board.

Enforcing agency authority to seek judicial review of quasi-judicial (review board) decisions is necessary to assure the effective accomplishment of the purposes and objectives of the law. Without such authority and its exercise, the law would be interpreted only through employer or employee appeals. Such appeals would not necessarily represent the public interest, or occur where commitments of the State under its plan are at stake. The Federal program has been and will continue to be interpreted by appeals taken by the Secretary of Labor, and therefore, without the right to appeal, the State would not be able to fulfill assurances required under 29 CFR 1902.3 (c)(1) or (d)(1) that its standards and their enforcement will continue to be at least as effective as the Federal.

(c) *Staffing.* Public comments raised the issue that the program should employ four industrial hygienists rather than the two proposed and that the attempts to hire any thus far have been unsuccessful.

If the agency successfully employs the two industrial hygiene experts contemplated during the developmental period, there would appear to be substantial proportional commitment to occupational health. Until developed by the State, protections in this area will be the responsibility of the Federal program, and State efforts and their development will be carefully monitored.

(d) *Financing.* Public comments also expressed concern that the plan's provision for administrative financial support to be obtained through pro-rata contributions by all employers may create problems with respect to the obtaining of sufficient funds or assuring freedom from employer influence. There appears to be no cause for assuming that the State's method proposed has had a record of success in connection with the administration of several State workmen's compensation programs (see *Report of the National Commission on State Workmen's Compensation Laws*, page 104).

(e) *On-site consultation.* The State will use its inspection staff to furnish educational, promotional and technical material to employers following the closing conference of an enforcement inspection as well as off-site when requested by an employer. In addition, the program's one training officer may engage in on-site training activities. So long as on-site consultation is so limited, it does not appear to detract from the effectiveness of the enforcement program, even though no separation of staffs is provided (See Washington approval decisions, 38 FR 2421, 2422). This portion of Nevada's program will be subject to careful evaluation.

Decision. The Nevada plan is hereby approved after careful consideration under Section 18 of the Act and 29 CFR Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards.

Pursuant to § 1902.20(b)(1)(iii) of Title 29 of the Code of Federal Regulations, the present level of Federal enforcement in Nevada will be continued with present priorities to the extent necessary to provide safe and healthful workplaces in the State. Such enforcement will not be reduced in the health area, where the State is developmental. An evaluation of the State plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. In this regard it is noted that the program will not provide assurance that employers will maintain required records during part or all of the developmental period. (See § 1952.293(e)). Until this is accomplished there will be no reduction in the present level of Federal enforcement of Federal recordkeeping requirements.

Subpart W—Nevada

1952.290 Description of the plan.
1952.291 Where the plan may be inspected.
1952.292 Level of Federal enforcement.
1952.293 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

§ 1952.290 Description of the plan.

(a) The Nevada Occupational Safety and Health program will be administered and enforced by the Department of Industrial Safety of the Industrial Commission of the State of Nevada. Administrative adjudications of proposed pen-

alties will be the responsibility of an independent five member review board appointed by the Governor.

(b) The program will cover all activities of employees and places of private and public employment except those involving Federal employment, motor vehicles, and railroads, subject to the exercise of jurisdiction under other Federal safety and health programs. It requires employers of one or more employees (including those employed by the State and its political subdivisions) to furnish them employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm, and to comply with all occupational safety and health standards promulgated or issued by the agency. Moreover, all safety and health standards adopted by the United States Department of Labor shall be deemed Nevada Occupational Safety and Health standards. The Plan also directs employees to comply with all occupational safety and health standards and regulations that are applicable to their own actions and conduct.

(c) The Plan includes procedures for providing prompt and effective standards for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; and procedures for the issuance of variances. It provides employer and employee representatives an opportunity to accompany inspectors and call attention to possible violations, before, during, and after inspections; protection of employees against discharge or discrimination in terms and conditions of employment; notice to employees or their representatives when no compliance action is taken upon complaints, including informal review; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective remedies against employers and the right to review alleged violations, abatement periods, and proposed penalties with opportunity for employee participation in the review proceedings; procedures for prompt restraint or elimination of imminent danger conditions, and procedures for inspection in response to complaints.

(d) (1) The Plan includes a legal opinion that it will meet the requirements of the Occupational Safety and Health Act of 1970, and is consistent with the Constitution and laws of the State of Nevada.

(2) A merit system of personnel administration will be used.

(3) The Plan provides a program of education, training, and consultation for employers and employees.

(4) The Plan is supplemented by the inclusion of implementing legislation and letters dated July 26, August 10, and November 5, 1973, and a telegram dated Dec. 5, 1973.

§ 1952.291 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: United States Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 800, 1726 M Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; Department of Industrial Safety, Nevada Industrial Commission, 515 East Musser Street, Carson City, Nevada 89701.

§ 1952.292 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29 of the Code of Federal Regulations, the present level of Federal enforcement in Nevada will be continued with present priorities to the extent necessary to provide safe and healthful workplaces in the State. As the State is developmental in its health program and its recordkeeping requirements, the Federal activity in these areas will remain undiminished. An evaluation of the State plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity.

§ 1952.293 Developmental schedule.

The following is a summary of the major developmental steps provided by the plan:

(a) Training of enforcement personnel to be completed—July 1, 1974.

(b) Application of the program to State and local employees to take effect—July 1, 1974.

(c) Not less than two industrial hygiene experts shall participate in the program—July 1, 1975.

(d) Proposed amendments to the Nevada Occupational Safety and Health Act to have been adopted and to take effect—July 1, 1975.

(e) System of recordkeeping and reporting fully developed and operational—January 1, 1977.

(f) Program to be fully implemented—January 1, 1977.

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

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-331 Filed 1-3-74;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Hawaii Plan

1. *Background.* Part 1952 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the States may submit for approval, under the requirements of this section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards.

On December 20, 1972, the State of Hawaii submitted a comprehensive developmental occupational safety and health plan in accordance with these procedures and on January 22, 1973, a notice was published in the FEDERAL REGISTER (38 FR 2187) concerning the submission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him. No written comments were received and there were no requests for an informal hearing.

The plan identifies the Department of Labor and Industrial Relations as the agency responsible for the administration of the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. The plan includes legislation passed by the Hawaii Legislature during its 1972 Session which became effective May 16, 1972. It also includes proposed draft amendments which will be considered by the State Legislature during its 1974 Session amending certain provisions of its enabling legislation, Chapter 396 of the Hawaii Revised Statutes, which appear necessary or desirable to bring them into conformity with the requirements of section 18(c) of the Act and 29 CFR Part 1902. The proposed amendments are accompanied by an opinion from the Attorney General's Office that they are consistent with the Constitution and laws of the State.

2. *Issues.* Our review of the plan raised several significant issues which have been addressed by Hawaii is supplementary letters submitted to the Assistant Secretary and to the Office of Federal and State Operations of the Occupational Safety and Health Administration on January 30, 1973, June 28, 1973, September 14, 1973, October 30, 1973, November 7, 1973, December 3, 1973, December 4, 1973 and December 10, 1973, which clarified and modified the plan as indicated below and are incorporated as part of the plan.

(a) *Standards.*—1. *Regulatory authority.* Under the plan, the State relies on a broad statutory authority to "prescribe * * * rules and regulations * * * for carrying out the purposes and provisions of [the Act]" for the adoption and promulgation of standards which meet the toxic substances requirements of 29 CFR 1902.4(b)(2)(i) and the employee protection requirements of 29 CFR 1902.4(b)(2)(vi) and (vii).

The State has given assurances that it will continue to adopt all future Federal standards promulgated by the Assistant Secretary or standards which are at least as effective as such standards. In addition, in promulgating State standards where there are no comparable Federal standards, the State has provided assurances that it will provide the necessary employee protections through its authority under general regulations where appropriate. Hawaii's experience in providing the necessary protections will be closely monitored by this Department and if it encounters any difficulty

in implementing the required protections against hazards, it will be required to seek the necessary legislative amendments to assure that these protections are provided.

(2) *Standards comparison.* A further issue is whether the standards included by Hawaii under its plan are at least as effective as the comparable Federal standards. Based on an analysis of Hawaii's standard comparison, standards covering Subparts E, F, H, I, J, L, M, O and R of 29 CFR 1910 have been determined to be at least as effective as the Federal standards in those issues. Those covering subparts D, G, K, N, P, Q and S of 29 CFR 1910 and all of 29 CFR 1926 (construction standards) are considered developmental pending submission of revisions to the affected subparts. In the interim, the State intends to adopt the Federal standards for those Subparts which have not been determined to be at least as effective and within six months after approval will promulgate permanent standards at least as effective as those in the affected subparts. Hawaii will also adopt vertical standards for window cleaning and tree trimming industries as well as standards for boiler and pressure vessels.

In addition, some of the issues proposed to be covered under the Hawaii plan are designed for the protection of both employees and the public. These include elevators, carnival and amusements rides and aerial tramways.

Although these inclusions do not appear to detract in any way from the acceptability of the plan, some of the activities may in many respects concern matters that only indirectly and perhaps remotely affect occupational safety and health. Therefore, it will be necessary to determine in considering any grant application under section 23(g) of the Federal act what portion of these program components substantially relate to employees and their places of employment in issues covered by the Federal standards because the Federal share of the funding of the State program will have to be based on an amount not exceeding the cost of this base.

(3) *Variances.* Section 4(a)(3) of the Hawaii Act provides for the issuance of variances from occupational safety and health standards. However, the legislation does not explicitly distinguish between temporary and permanent variances as under sections 6(b) and 6(d) of the Federal Act. Rather, the State provides for the issuance of such variances by adopting the procedures of 29 CFR 1905 verbatim in chapter 104 of its OSHA regulations promulgated under section 4 of the Hawaii Occupational Safety and Health Law. The legislation specifically provides for the notification to employees of a variance application and an opportunity for employees to request a hearing and participate in any proceedings.

As indicated in the Kentucky decision (38 FR 20322), 29 CFR 1902.4(b)(2)(iv) requires that State plans provide authority for the issuance of variances which correspond to variances authorized by the Federal Act. Although the Hawaii legislation does not specifically distinguish between temporary and permanent variances, of which the purpose, criteria and procedures are not similar, the State's proposal for complying with the requirements of 29 CFR 1902.4(b)(2)(iv) has been found to be initially acceptable. The regulations adopted by the State are verbatim with the comparable Federal regulations. Of critical importance is the fact that the legislation provides the necessary authority for employee notification of the application and participation in any variance proceeding. However, if the State experiences any difficulty in proceeding under section 4(a)(3) of its law to provide for temporary and permanent variances, it will be required to amend its legislation to provide specific relevant criteria for the issuance of such variances.

(b) *Enforcement*—(1) *Employee Discrimination.* The Hawaii scheme for the protection of employees against discharge and discrimination in terms and conditions of employment is a strong one. In addition to protecting employees for filing complaints or testifying, the employee is further protected under section 8(e), if he refuses to engage in an unsafe practice or to handle or operate any equipment in violation of the law or of the rules and regulations. However, in those cases where there is a finding of discrimination, the granting of relief by the Director of the Department of Labor and Industrial Relations is discretionary. The State has agreed to amend section 8(e)(4) of its law to make the granting of such relief mandatory upon finding of discrimination.

(2) *Sanctions.* In general, section 10 of the Law meets the sanctions requirements of 29 CFR 1902.4(c)(2)(xi). Section 10(f) of the Hawaii law provides for a mandatory civil penalty of up to $10,000 for willful or repeated violations whereas the Federal Act provides for a discretionary one. However, the Law did not provide sanctions for false representations as under section 17(g) of the Federal Act. Such a provision is particularly relevant to the variance and abatement scheme under the Hawaii Plan. The State has proposed an amendment to correct this omission.

In addition, the law, as enacted, provided that sanctions were applicable to employers and "any person" who violates the Act. However, under the proposed amendments, the phrase "any person" will be deleted and such sanctions will apply to employers only.

Finally, the law provides for the arrest of any person who violates the Act, or any orders issued pursuant thereto. The State has proposed to delete this authority from its law.

(3) *Posting of violations.* As enacted, the Hawaii law provides that upon being issued a citation, the employer would be required to "post said order in a prominent place." The State has promised to submit an amendment to its legislation which would provide for the posting of such orders at or near the place where the violation occurred.

(4) *Review of citations.* To meet the requirements of 29 CFR 1902.4(c)(2)(xii), section 11, of the law provides for the review of any order of the director by the Labor and Industrial Relations Appeals Board. The law provides, among other things, that the filing of a petition for review with the Board shall not operate to stay or suspend the operation of an order and no stay shall be granted by the Board pending its decision. However, an opportunity for employees or their representatives to participate in the review proceedings is not clearly set forth in the law. To remedy this defect, an amendment has been proposed to provide for such participation and regulations will be proposed which would be added to the Rules of the Appeals Board to assure that employees will have an opportunity to participate as parties in such review proceedings. The proceedings of the Board will be governed by its Rules of Practice and Procedure.

(4) *Trade secrets.* The State will amend its trade secrets provision to provide the necessary authority by the agency, the appeals board, or the courts to issue orders against the divulging of such secrets.

(5) *Discretionary extension of abatement periods.* Section 4(a)(4) of the Hawaii Law provides that an employer may petition the Department for an extension of time to comply with any order of the Department. Hawaii maintains that this provision is necessary considering its distance from the mainland and its vulnerability to shipping strikes which could affect the shipment of necessary equipment.

A similar provision in section 10(c) of the Federal Act permits employers to request modifications of abatement requirements where abatement has not been completed because of factors beyond the employer's reasonable control. Abatement dates may also be extended as a result of an informal conference requested in accordance with 29 CFR 1903.19.

The State has agreed to provide safeguards similar to those in the Federal program to prevent possible abuse of this program. These safeguards include, providing for notification to employees of the petition; employee participation in any proceedings; and providing that such petition shall not be honored if found to be of a frivolous nature or submitted solely for the purpose of delay.

Although the Hawaii procedure is not identical to the Federal procedure, we cannot at this time find it will not be at least as effective in actual operations, but it will be subject to examination during the evaluation of the State program.

3. *Decision.* After careful consideration of the Hawaii Plan, including the modifications thereof, the Plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards covered by the plan and

the State's developmental schedule as set out in § 1952.313 below.

Pursuant to § 1902.20(b)(1)(ii) of Title 29, Code of Federal Regulations, the present level of Federal enforcement in Hawaii will not be diminished until the State has promulgated certain standards and until certain other administrative regulations are promulgated. An evaluation of the plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Hawaii. Part 1952 is hereby amended by adding a new Subpart Y reading as follows:

Subpart Y—Hawaii

Sec.
1952.310 Description of the plan.
1952.311 Where the plan may be inspected.
1952.312 Level of Federal enforcement.
1952.313 Developmental schedule.

AUTHORITY: Sec. 18, Public Law 91-596, 84 Stat. 1608 (29 U.S.C. 667).

§ 1952.310 Description of the plan.

(a) The plan designates the Department of Labor and Industrial Relations as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adopted under the plan as well as certain standards deemed to be "as effective as" the Federal standards, except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring).

(b) Within the plan there is the Hawaii Occupational Safety and Health Law which became law on May 16, 1972. The law as enacted gives the Department of Labor and Industrial Relations the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the law.

(c) The plan also includes proposed amendments to be considered by the Hawaii Legislature during its 1974 session amending the Occupational Safety and Health Law, and related provisions, to bring them into conformity with the requirements of Part 1902.

(d) The Hawaii plan includes the following documents as of the date of approval:

(1) The plan description documents, including the Hawaii Occupational Safety and Health Law, the proposed amendments to the Law and appendices in three (3) volumes;

(2) Letter from Robert K. Hasegawa, Director of the Department of Labor and Industrial Relations, to Jay Arnoldus, Project Officer, Office of Federal and State Operations, December 10, 1973, submitting clarifications to the plan.

(3) Letters from Robert C. Gilkey, Deputy Director of the Department of Labor and Industrial Relations, to Jay Arnoldus, December 3, 1973 and December 4, 1973 submitting clarifications and deletion to the plan.

(4) Letters from Robert K. Hasegawa to Gabriel Gillotti, Assistant Regional Director, January 30, 1973, and June 28, 1973.

(5) Letter from Robert A. Gilkey to John H. Stender, Assistant Secretary of Labor, October 30, 1973.

(6) Letters from Robert K. Hasegawa to John H. Stender, Assistant Secretary of Labor, November 7, 1973 and September 14, 1973 submitting proposed legislative amendments and modifications and clarifications to the plan.

§ 1952.311 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, 1726 M Street, N.W., Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, Room 9470, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102; and the offices of the Department of Labor and Industrial Relations, Room 308, 825 Miliani Street, Honolulu, HA 96313.

§ 1952.312 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the exercise of Federal enforcement authority in Hawaii will not be diminished. Present priorities of Federal enforcement will continue at least until the State has promulgated certain standards and until certain other administrative regulations are promulgated.

§ 1952.133 Developmental schedule.

1. Introduction of Legislative amendments to State Legislature January 1974.
2. Hearing on standards promulgation March 1974.
3. Implementation Management Information System 1974.
4. Complete implementation of health program December 1974.
5. Complete State plan implementation December 1976.

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

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-332 Filed 1-3-74;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Connecticut Plan

1. Background. Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby the several States may submit for approval under the requirements of that section, plans for the development and enforcement of State occupational safety and health standards.

The State of Connecticut submitted on December 12, 1972, a plan pursuant to Part 1902 requesting approval of the plan by the Assistant Secretary of Labor for Occupational Safety and Health. The plan was submitted for National Office review June 7, 1973, and on June 21, 1973, a notice was published in the FEDERAL REGISTER (38 FR 16283) concerning the submission of the plan and the fact that the question of approval was in issue before the Assistant Secretary.

The plan designates the Department of Labor as the agency responsible for administering and enforcing the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Seretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. Further, Connecticut has adopted all Federal occupational safety and health standards promulgated as of October 18, 1972. Permanent standards that have been and will be adopted by the Secretary of Labor after October 18, 1972 will be adopted as State standards within 6 months of Federal promulgation. The plan will cover all employees within the State including employees of public agencies of the State and its political subdivisions.

The plan includes the Connecticut Occupational Safety and Health Act which was effective July 2, 1973. Amendments to the Connecticut Act will be introduced in the 1974 session of the Connecticut legislature to bring certain provisions of the Act into full conformity with the requirements of section 18(c) of the Federal Act and 29 CFR Part 1902.

Interested persons were afforded thirty (30) days from the date of publication to submit written comments concerning the plan. Further, interested persons were given an opportunity to request an informal hearing with respect to the plan or any part thereof, upon the basis of substantial objections to the plan's provisions.

Written comments concerning the plan were submitted on behalf of the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the Connecticut State Labor Council, AFL-CIO, the Office of the Fire Marshall, Town of Trumball, and the Connecticut Business and Industry Association. The State Labor Council, AFL-CIO, requested a hearing. Although the request for a hearing demonstrated strong preferences for different methods of administration and legislative au-

thority from those that have been proposed by the State, it did not indicate that the plan failed in any material way to meet the criteria for acceptability as set forth in section 18(c) of the Act and 29 CFR Part 1902. For these reasons, the request for an informal hearing is denied as not being based on substantial objections.

2. Issues. Pursuant to the public comments and discussions with the staff of the Office of Federal and State Operations of the Occupational Safety and Health Administration, the State has made some modifications in its plan in order to clarify several provisions in the legislation and in the administrative procedures incorporated in the plan as submitted. Connecticut made these changes in a letter dated November 19, 1973.

The modifications that have been made by the State include the following:

(a) revision of the language in section 3(a)(2) of the Connecticut Act to conform to the coverage under the Federal Act which is not applicable to the "working conditions" of employees over which other Federal agencies have exercised statutory authority;

(b) amendments of sections 6 (e), (f) and (g) of the Connecticut Act to provide for request for variances to standards from owners, lessees, agents or managers of buildings since these persons have an obligation under section 3(c) of the Connecticut Act to comply with safety and health standards and are subject to the penalty provisions;

(c) editorial changes in the penalty provisions section 16 (a), (b), (c) and (e) so that the language is consistent as to assessment of penalties for violations of standards, orders, or regulations as well as under the general duty clause;

(d) assurances that standards will protect employees over their working lives and that the results of medical examinations required by standards will be available to the State and to the employee's own physician if the employee so requests. If any difficulties are subsequently encountered in carrying out these assurances, the Connecticut Department of Labor will be required to promulgate regulations or propose legislation to resolve any legal impediments. (See Maryland decision 38 FR 17834).

In addition to the subjects of plan modification discussed above, the legislation differs from the Federal Act in the following areas: employers as well as employees are notified if no action is taken on an employee complaint or if the State determines not to issue a citation when a violation is brought to its attention in writing during an inspection. Of course, the employee's request for confidentiality is honored in these circumstances. The notification enables the employer to correct possible hazards which are not currently considered actionable by the State. The legislation specifically states that this notification does not preclude future enforcement action. The employer is also notified along with the employee of the Commissioner's determination on a discrimination complaint filed under section 12(c) of the Connecticut Act. These provisions in the Connecticut Act do not appear to detract from the effectiveness of the enforcement program and they will be subject to close evaluation in actual operation. Other differences include the area of right of entry, where the State, in addition to obtaining a warrant, may fine or imprison for up to six months an employer or other individual who refuses entry to a State inspector. And there is also a provision for a fine of up to $10,000 and imprisonment up to one year for causing bodily harm to an inspector.

3. *Decision.* After careful consideration of the Connecticut plan and comments submitted regarding the plan, the plan is hereby approved under section 18 of the Act and Part 1902.

This decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the exercise of Federal enforcement authority in Connecticut will not be diminished. Present priorities of Federal enforcement will continue at least until the State has promulgated rules for the operation of the Occupational Safety and Health Review Commission and until certain other administrative regulations are published. Evaluations of the State plan, as implemented, will be made on a continuing basis to assess the appropriate level of Federal enforcement activity. Federal enforcement authority will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Connecticut. Part 1952 is hereby amended by adding thereto a new Subpart X reading as follows:

Subpart X—Connecticut

1952.300 Description of the plan.
1952.301 Where the plan may be inspected.
1952.302 Level of Federal enforcement.
1952.303 Developmental schedule.

§ 1952.300 Description of the plan.

(a) The State's program will be administered and enforced by the Department of Labor. Pursuant to Public Act No. 73-449, the Occupational Health Division of the State Department of Health has been transferred to the Department of Labor. Safety and health standards, therefore, will be promulgated and enforced by the Commissioner of Labor. Such standards are limited to Federal standards except, where no Federal standard is applicable, the Commissioner may provide for a State standard. Administrative adjudications will be the responsibility of an independent State Occupational Safety and Health Review Commission.

(b) The State program will protect all employees within the State including those employed by the State and its political subdivisions. Public employees are to be granted the same protections as are afforded employees in the private sector.

(c) Connecticut has adopted all Federal standards promulgated as of October 18, 1972. Future permanent Federal standards will be adopted by the State within 6 months after promulgation by the Secretary of Labor.

(d) The State enabling legislation became law on July 2, 1973. The Act sets forth the general authority and scope for implementing the plan. The plan also contains proposed amendments to the Act which are designed to bring the legislation into full conformity with section 18(c) of the Federal Act and Part 1902.

(e) The Connecticut Act and the proposed regulations that will be adopted pursuant to it provide procedures for prompt and effective standards-setting for the protection of employees against new and unforeseen hazards and for furnishing information to employees on hazards, precautions, symptoms, and emergency treatment; variances; the giving to employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations before, during, and after inspections; the protection of employees against discharge or discrimination in terms or conditions of employment by filing complaints with the Commissioner of Labor; notice to employees or their representatives and to employers when no compliance action is taken upon complaints, including informal review; notice to employees of their protections and obligations; adequate safeguards to protect trade secrets; prompt notice to employers and employees of alleged violations of standards and abatement requirements; effective sanctions against employers; the right to review alleged violations, abatement periods, and proposed penalties with the opportunity for employee participation as parties in the review proceedings of the independent Review Commission; prompt restraint or elimination of imminent danger conditions through injunctions in the courts of common pleas; and the development of a program to encourage voluntary compliance by employers and employees.

(f) The plan includes a statement of the Governor's support of it and of the proposed amendments to its legislation. It sets out goals and provides a timetable for bringing the plan into full conformity with Part 1902 of this chapter. Personnel hired under the State's merit system will carry out the program.

§ 1952.301 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours at the following locations: United States Department of Labor, Office of Federal and State Operations, Occupational Safety and Health Administration, Room 800, 1726 M Street NW., Washington, D.C. 20210; Regional Office, Occupational Safety and Health Administration, 18 Oliver Street, Fifth floor, Boston, Massachusetts 02110; and Department of Labor, 200 Folly Brook Blvd., Wethersfield, Connecticut 06109.

§ 1952.302 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of Title 29, Code of Federal Regulations, the exercise of Federal enforcement authority in Connecticut will not be diminished. Present priorities of Federal enforcement will continue at least until the State has promulgated rules for the operation of the Occupational Safety and Health Review Board and until certain other administrative regulations are promulgated.

§ 1952.303 Developmental schedule.

(a) Manual Management Information System in operation 30 days after funding;

(b) Adoption of Federal regulations 29 CFR Parts 1903, 1904, 1905 with the exception of § 1904.13 on variances for recordkeeping within 6 weeks of funding;

(c) Submission of legislative amendments to the 1974 session of the legislature in February, 1974;

(d) Completion of staffing requirements as prescribed by the plan by July 1, 1975, through hiring 25 additional personnel plus a training and education officer;

(e) Directive from the Governor on the State agency safety program will be issued by July 1, 1974;

(f) Training and education programs for State and municipal employers by July 1, 1974;

(g) Establishment of the Occupational Safety and Health Review Commission no later than 9 months after funding;

(h) Revision of the Federal Compliance Manual currently used by the State to include Connecticut references, terms, and forms by December 1, 1974;

(i) State and municipal safety and health coverage fully operational by January 1, 1975;

(j) Automated Management Information System will be in operation by January 1, 1975; and

(k) Within three years of commencement of operations under the plan all developmental steps will be fully implemented.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608, (29 U.S.C. 667)).

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

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-333 Filed 1-3-74;8:45 am]

Title 34—Government Management

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

SUBCHAPTER D—FINANCIAL MANAGEMENT

PART 254—COST PRINCIPLES FOR EDUCATIONAL INSTITUTIONS

This document converts Office of Management and Budget Circular A-21 into a General Services Administration Federal Management Circular (FMC 73-8) in accordance with Executive Order 11717 and Office of Management and Budget Bulletin 74-4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73-8, dated December 19, 1973, provides principles for determining costs applicable to grants and contracts with educational institutions.

Part 254, Cost principles for educational institutions, is added to read as set forth below.

Sec.
254.1 Purpose.
254.2 Supersession.
254.3 Policy intent.
254.4 Applicability and scope.
254.5 Responsibilities.
254.6 Appendices.
254.7 Inquiries.

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

Effective date. This regulation is effective December 19, 1973.

Dated: December 19, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

§ 254.1 Purpose.

This part establishes principles for determining costs applicable to grants and contracts with educational institutions.

§ 254.2 Supersession.

The President by Executive Order 11717 transferred the functions covered by this part from the Office of Management and Budget to the General Services Administration. This part is therefore issued as a replacement for previous Office of Management and Budget Circular No. A-21.

§ 254.3 Policy intent.

This part provides principles for determining the costs applicable to research and development and to training and other educational services performed by educational institutions under grants from and contracts with the Federal Government. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular project. The principles are designed to provide recognition of the full allocated costs of such work under generally accepted accounting principles. No provision for profit or other increment above cost is intended.

§ 254.4 Applicability and scope.

The provisions of this part apply to all Federal agencies that sponsor research and development and training and other educational services work at educational institutions.

§ 254.5 Responsibilities.

The successful application of these principles requires development of mutual understanding between representatives of educational institutions and of the Federal Government as to their scope, implementation, and interpretation.

The principles and related policy guides are set forth in the attachments, which are:

§ 254.6 Appendices.

Appendix A—Principles for determining costs applicable to research and development under grants and contracts with educational institutions

Appendix B—Principles for determining costs applicable to training and other educational services under grants and contracts with educational institutions

Appendix C—Cost accounting standards issued by the Cost Accounting Standards Board under the authority of Public Law 91-379 (50 U.S.C. App. 2168) [1]

No substantive changes have been made in the attachments from the last version of the predecessor OMB Circular No. A-21.

§ 254.7 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMF)
Washington, D.C. 20405
Telephone: IDS 183-7747
FTS 202-343-7747

[Federal Management Circular 73-8]

APPENDIX A: PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO RESEARCH AND DEVELOPMENT UNDER GRANTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

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[1] Filed as part of the original document.

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19. Maintenance and repair costs
20. Material costs
21. Memberships, subscriptions and professional activity costs
22. Patent costs
23. Pension plan costs
24. Plant security costs
25. Preresearch agreement costs
26. Professional services costs
27. Profits and losses on disposition of plant, equipment, or other capital assets
28. Proposal costs
29. Public information services costs
30. Rearrangement and alteration costs
31. Reconversion costs
32. Recruiting costs
33. Royalties and other costs for use of patents
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35. Scholarships and student aid costs
36. Severance pay
37. Specialized service facilities operated by institution
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42. Taxes
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K. Certification of charges

A. *Purpose and scope*—1. *Objectives.* This part provides principles for determining the costs applicable to research and development work performed by educational institutions under grants from and contracts with the Federal Government. These principles are confined to the subject of cost determination and make no attempt to identify the circumstances or dictate the extent of agency and institutional participation in the financing of a particular research or development project. The principles are designed to provide recognition of the full allocated costs of such research work under generally accepted accounting principles. No provision for profit or other increments above cost is intended.

2. *Policy guides.* The successful application of these principles requires development of mutual understanding between representatives of universities and of the Federal Government as to their scope, implementation, and interpretation. It is recognized that—

a. The arrangements for agency and institutional participation in the financing of a research and development project are properly subject to negotiation between the agency and the institution concerned in accordance with such Government-wide criteria as may be applicable.

b. Each college and university, possessing its own unique combination of staff, facilities and experience, should be encouraged to conduct research in a manner consonant with its own academic philosophies and institutional objectives.

c. Each institution, in the fulfillment of its obligations, should employ sound management practices.

d. The application of the principles established herein should require no significant changes in the generally accepted accounting practices of colleges and universities.

e. Cognizant Federal agencies involved in negotiating indirect cost rates and auditing should assure that institutions are generally applying the cost principles and standards herein provided on a consistent basis. Where wide variations exist in the treatment of a given cost item among institutions, the reasonableness and equitableness of such treatments should be fully considered during the rate negotiations and audit.

3. *Application.* All Federal agencies that sponsor research and development work at educational institutions should apply these principles and related policy guides in determining the costs incurred for such work under any type of research and development agreement. These principles should also be used as a guide in the pricing of fixed price contracts or lump sum agreements.

B. *Definition of terms.*—1. *Organized research* means all research activities of an institution that are separately budgeted and accounted for.

2. *Departmental research* means research activities that are not separately budgeted and accounted for. Such research work, which includes all research activities not encompassed under the term *organized research,* is regarded for purposes of this document as a part of the instructional activities of the institution.

3. *Research agreement* means any valid arrangement to perform federally sponsored research, including grants, cost-reimbursement type contracts, cost-reimbursement type subcontracts, and fixed-price contracts and subcontracts for research.

4. *Other institutional activities* means all organized activities of an institution not directly related to the instruction and research functions, such as residence halls, dining halls, student hospitals, student unions, intercollegiate athletics, bookstores, faculty housing, student apartments, guest houses, chapels, theaters, public museums, and other similar activities or auxiliary enterprises. Also included under this definition is any other category of cost treated as "unallowable," provided such category of cost identifies a function or activity to which a portion of the institution's indirect costs (as defined in section E.1.) are properly allocable.

5. *Apportionment* means the process by which the indirect costs of the institution are assigned as between (a) instruction and research, and (b) other institutional activities.

6. *Allocation* means the process by which the indirect costs apportioned to instruction and research are assigned as between (a) organized research, and (b) instruction, including departmental research.

7. *Stipulated salary support* is a fixed or a stated dollar amount of the salary of professorial or other professional staff involved in the conduct of research which a Government agency agrees in advance to reimburse an educational institution as a part of sponsored research costs.

C. *Basic considerations.*—1. *Composition of total costs.* The cost of a research agreement is comprised of the allowable direct costs incident to its performance, plus the allocable portion of the allowable indirect costs of the institution, less applicable credits as described in section C.5.

2. *Factors affecting allowability of costs.* The tests of allowability of costs under these principles are: (a) They must be reasonable; (b) they must be allocable to research agreements under the standards and methods provided herein; (c) they must be accorded consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the research agreement as to types or amounts of cost items.

3. *Reasonable costs.* A cost may be considered reasonable if the nature of the goods or services acquired or applied, and the amount involved therefor, reflect the action that a prudent person would have taken under the circumstances prevailing at the time the decision to incur the cost was made. Major considerations involved in the determination of the reasonableness of a cost are: (a) Whether or not the cost is of a type generally recognized as necessary for the operation of the institution or the performance of the research agreement; (b) the restraints or requirements imposed by such factors as arm's-length bergaining, Federal and State laws and regulations, and research agreement terms and conditions; (c) whether or not the individuals concerned acted with due prudence in the circumstances, considering their responsibilities to the institution, its employees, its students, the Government, and the public at large; and (d) the extent to which the actions taken with respect to the incurrence of the cost are consistent with established institutional policies and practices applicable to the work of the institution generally, including Government research.

4. *Allocable costs.* a. A cost is allocable to a particular cost objective (i.e., a specific function, project, research agreement, department, or the like) if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship. Subject to the foregoing, a cost is allocable to a research agreement if it is incurred solely to advance the work under the research agreement; or it benefits both the research agreement and other work of the institution in proportions that can be approximated through use of reasonable methods; or it is necessary to the overall operation of the institution and, in the light of the standards provided in this Circular, is deemed to be assignable in part to organized research. Where the purchase of equipment or other capital items is specifically authorized under a research agreement, the amounts thus authorized for such purchases are allocable to the research agreement regardless of the use that may subsequently be made of the equipment or other capital items involved.

b. Any costs allocable to a particular research agreement under the standards provided in this Circular may not be shifted to other research agreements in order to meet deficiencies caused by overruns or other fund considerations, to avoid restrictions imposed by law or by terms of the research agreement, or for other reasons of convenience.

5. *Applicable credits.* a. The term applicable credits refers to those receipt or negative expenditure types of transactions which operate to offset or reduce expense items that are allocable to research agreements as direct or indirect costs. Typical examples of such transactions are: purchase discounts, rebates, or allowances; recoveries or indemnities on losses; sales of scrap or incidental services; and adjustments of overpayments or erroneous charges.

b. In some instances, the amounts received from the Federal Government to finance institutional activities or service operations should be treated as applicable credits. Specifically, the concept of netting such credit items against related expenditures should be applied by the institution in determining the rates or amounts to be charged to Government research for services rendered whenever the facilities or other resources used in providing such services have been financed directly, in whole or in part, by Federal funds. (See sections F.6., J.10.b., and J.37. for areas of potential application in the matter of direct Federal financing.)

6. *Costs incurred by State and local governments.* Costs incurred or paid by State or local governments in behalf of educational institutions for certain personnel benefit programs such as pension plans, FICA and any other costs specifically disbursed in behalf of and in direct benefit to the institutions, are allowable costs of such institutions whether or not these costs are recorded in the accounting records of such institutions, subject to the following:

a. Such costs meet the requirements of sections C.1. through C.5.

b. Such costs are properly supported by cost allocation plans in accordance with Office of Management and Budget Circular No. A–87.

c. Such costs are not otherwise borne directly or indirectly by the Federal Government.

D. *Direct costs.* 1. *General.* Direct costs are those costs which can be identified specifically with a particular research project, an instructional activity or any other institutional activity or which can be directly assigned to such activities relatively easily with a high degree of accuracy.

2. *Application to research agreements.* Identifiable benefit to the research work rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect costs of research agreements. Typical transactions chargeable to a research agreement as direct costs are the compensation of employees for performance of work under the research agreement, including related staff benefit and pension plan costs to the extent that such items are consistently treated by the educational institution as direct rather than indirect costs; the costs of materials consumed or expended in the performance of such work; and other items of expense incurred for the research agreement, including extraordinary utility consumption. The cost of materials supplied from stock or services rendered by specialized facilities or other institutional service operations may be included as direct costs of research agreements provided such items are consistently treated by the institution as direct rather than indirect costs and are charged under a recognize method of costing or pricing designed to recover only actual costs and conforming to generally accepted cost accounting practices consistently followed by the institution.

E. *Indirect costs.* 1. *General.* Indirect costs are those that have been incurred for common or joint objectives and therefore cannot be identified specifically with a particular research project, an instructional activity or any other institutional activity. At educational institutions such costs normally are classified under the following functional categories: General administration and general expenses; research administration expenses; operation and maintenance expenses; library expenses; and departmental administration expenses.

2. *Criteria for distribution.*—a. *Base period.* A base period for distribution of indirect costs is the period during which such costs are incurred and accumulated for distribution to work performed within that period. The base period normally should coincide with the fiscal year established by the institution, but in any event the base period should be so selected as to avoid inequities in the distribution of costs.

b. *Need for cost groupings.* The overall objective of the allocation and apportionment process is to distribute the indirect costs described in section F to organized research, instruction, and other activities in reasonable proportions consistent with the nature and extent of the use of the institution's resources by research personnel, academic staff, students, and other personnel or organizations. In order to achieve this objective, it may be necessary to provide for selective distribution by establishing separate groupings of cost within one or more of the functional categories of indirect costs referred to in section E.1. In general, the cost groupings established within a functional category should constitute, in each case, a pool of those items of expense that are considered to be of like character in terms of their relative contribution to (or degree of remoteness from) the particular cost objectives to which distribution is appropprpriate. Cost groupings should be established considering the general guides provided in c. below. Each such pool or cost grouping should then be distributed individually to the appertaining cost objectives, using the distribution base or method most appropriate in the light of the guides set out in d. below.

c. *General considerations on cost groupings.* The extent to which separate cost groupings and selective distribution would be appropriate at an institution is a matter of judgment to be determined on a case-by-case basis. Typical situations which may warrant the establishment of two or more separate cost groups (based on account classification or analysis) within a functional category include but are not limited to the following:

(1) Where certain items or categories of expense relate solely to one of the three major divisions of the institution (instruction, organized research or other institutional activities) or to any two but not the third, such expenses should be set aside as a separate cost grouping for direct assignment or selective distribution in accordance with the guides provided in b. above and d. below.

(2) Where any types of expense ordinarily treated as general administration and general expenses or departmental administration expenses are charged to research agreements as direct costs, the similar type expenses applicable to other activities of the institution must, through separate cost groupings, be excluded from the indirect costs allocable to those research agreements and included in the direct cost of other activities for cost allocation purposes.

(3) Where it is determined that certain expenses are for the support of a service unit or facility whose output is susceptible of measurement on a workload or other quantitative basis, such expenses should be set aside as a separate cost grouping for distribution on such basis to organized research and other activities at the institution or within the department.

(4) Where organized activities (including identifiable segments of organized research as well as the activities cited in section B.4.) provide their own purchasing, personnel administration, building maintenance or similar service, the distribution of general administration and general expense or operation and maintenance expenses to such activities should be accomplished through cost groupings which include only that portion of central indirect costs (such as for overall management) which are properly allocable to such activities.

(5) Where the institution elects to treat as indirect charges the cost of the pension plan and other staff benefits, such costs should be set aside as a separate cost grouping for selective distribution to appertaining cost objectives, including organized research.

(6) The number of separate cost groupings within a functional category should be held within practical limits, after taking into consideration the materiality of the amounts involved and the degree of precision attainable through less selective methods of distribution.

d. *Selection of distribution method.* (1) Actual conditions must be taken into account in selecting the method or base to be used in distributing to applicable cost objectives the expenses assembled under each of the individual cost groupings established as indicated under b. above. Where a distribution can be made by assignment of a cost grouping directly to the area benefited, the distribution should be made in that manner. Where the expenses under a cost grouping are more general in nature, the distribution to appertaining cost objectives should be made through use of a selected base which will produce results that are equitable to both the Government and the institution. In general, any cost element or cost-related factor associated with the institution's work is potentially adaptable for use as a distribution base provided (a) it can readily be expressed in terms of dollars or other quantitative measure (total direct expenditures, direct salaries, man-hours applied, square feet utilized, hours of usage, number of documents processed, population served, and the like); and (b) it is common to the appertaining cost objectives during the base period.

(2) Results of cost analysis studies may be used when they result in more accurate and equitable distribution of costs. Such cost analysis studies may take into consideration weighting factors, population, or space occupied if they produce equitable results. Cost analysis studies, however, should (a) be appropriately documented in sufficient detail for subsequent review by the cognizant Federal agency, (b) distribute the indirect costs to the appertaining cost objectives in accord with the relative benefits derived, (c) be conducted to fairly reflect the true conditions of the activity and to cover representative transactions for a reasonable period of time,

(d) be performed specifically at the institution at which the results are to be used, and (e) be updated periodically and used consistently. Any assumptions made in the study will be sufficiently supported. The use of cost analysis studies and periodic changes in the method of cost distribution must be fully justified.

(3) The essential consideration in selection of the distribution base in each instance is that it be the one best suited for assigning the pool of costs to appertaining cost objectives in accord with the relative benefits derived; the traceable cause and effect relationship; or logic and reason, where neither benefit nor cause and effect relationship is determinable.

3. *Administration of limitations on allowances for research costs.* Research agreements may be subject to statutory or administrative policies that limit the allowance of research costs. When the maximum amount allowable under a statutory limitation or the terms of a research agreement is less than the amount otherwise reimbursable under this part, the amount not recoverable under that research agreement may not be charged to other research agreements.

F. Identification and assignment of indirect costs.—1. *General administration and general expenses.* a. The expenses under this heading are those that have been incurred for the general executive and administrative offices of educational institutions and other expenses of a general character which do not relate solely to any major division of the institution; i.e., solely to (1) instruction, (2) organized research, or (3) other institutional activities. The general administration and general expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category may be apportioned and allocated on the basis of total expenditures exclusive of capital expenditures in situations where the results of the distribution made on this basis are deemed to be equitable both to the Government and the institution; otherwise the distribution of general administration and general expenses should be made through use of selected bases applied to separate cost groupings established within this category of expenses in accordance with the guides set out in section E.2.d.

2. *Research administration expenses.* a. The expenses under this heading are those that have been incurred by a separate organization or identifiable administrative unit established solely to administer the research activity, including such functions as contract administration, security, purchasing, personnel administration, and editing and publishing of research reports. They include the salaries and expenses of the head of such research organization, his assistants, and their immediate secretarial staff together with the salaries and expenses of personnel engaged in supporting activities maintained by the research organization, such as stock rooms, stenographic pools, and the like. The salaries of members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to research administration is supported as required by section J.7. The research administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be allocated to organized research and, where necessary, to departmental research or to any other benefiting activities on any basis reflecting the proportion fairly applicable to each. (See section E.2.d.)

3. *Operation and maintenance expenses.* a. The expenses under this heading are those that have been incurred by a central service organization or at the departmental level for the administration, supervision, operation, maintenance, preservation, and protection of the institution's physical plant. They include expenses normally incurred for such items as janitorial and utility services; repairs and ordinary or normal alterations of buildings, furniture and equipment; and care of grounds and maintenance and operation of buildings and other plant facilities. The operation and maintenance expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, and charges representing use allowance and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The expenses included in this category should be apportioned and allocated to applicable cost objectives in a manner consistent with the guides provided in section E.2. on a basis that gives primary emphasis to space utilization. The allocations and apportionments should be developed as follows: (1) Where actual space and related cost records are available or can readily be developed and maintained without significant change in the accounting practices, the amount distributed should be based on such records; (2) where the space and related cost records maintained are not sufficient for purposes of the foregoing, a reasonable estimate of the proportion of total space assigned to the various cost objectives normally will suffice as a means for effecting distribution of the amounts of operation and maintenance expenses involved; or (3) where it can be demonstrated that an area or volume of space basis of allocation is impractical or inequitable, other bases may be used provided consideration is given to the use of facilities by research personnel and others, including students.

4. *Library expenses.* a. The expenses under this heading are those that have been incurred for the operation of the library, including the costs of books and library materials purchased for the library, less any items of library income that qualify as applicable credits under section C.5. The library expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in the performance of the functions represented thereunder. Costs incurred in the purchases of rare books (museum-type books) with no research value should not be allocated to Government-sponsored research.

b. The expenses included in this category should be allocated on the basis of population including students and other users. Where the results of the distribution made on this basis are deemed to be inequitable to the Government or the institution, the distribution should then be made on a selective basis in accordance with the guides set out in section E. 2. Such selective distribution should be made through use of reasonable methods which give adequate recognition to the utilization of the library attributable to faculty, research personnel, students and others. The method used will be based on data developed periodically on the respective institution's experience for representative periods.

5. *Departmental administration expenses.* a. The expenses under this heading are those that have been incurred in academic deans' offices, academic departments and organized research units such as institutes, study centers and research centers for administrative and supporting services which benefit common or joint departmental activities or objectives. They include the salaries and expenses of deans or heads, or associate deans or heads, of colleges, schools, departments, divisions, or organized research units, and their administrative staffs together with the salaries and expenses of personnel engaged in supporting activities maintained by the department, such as stockrooms, stenographic pools, and the like provided such supporting services cannot be directly identified with a specific research project, with an instructional activity or with any other institutional activity. The salaries of other members of the professional staff whose appointments or assignments involve the performance of such administrative work may also be included to the extent that the portion so charged to departmental administration expenses is supported as required by section J.7. The departmental administration expense category should also include the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the costs of the operation and maintenance of the physical plant, and charges representing use allowances and/or depreciation applicable to the buildings and equipment utilized in performing the functions represented thereunder.

b. The distribution of departmental administration expenses should be made through use of selected bases applied to cost groupings established within this category of expenses in accordance with the guides set out in section E. 2. d.

6. *Setoff for indirect expenses otherwise provided for by the Government.* a. The items to be accumulated under this heading are the reimbursements and other receipts from the Federal Government which are used by the institution to support directly, in whole or in part, any of the administrative or service (indirect) activities described in the foregoing (sections F.1. through F.5.). They include any amounts thus applied to such activities which may have been received pursuant to an institutional base grant or any similar contractual arrangement with the Federal Government other than a research agreement as herein defined (section B.3.).

b. The sum of the items in this group shall be treated as a credit to the total indirect cost pool before it is apportioned to organized research and to other activities. Such setoff shall be made prior to the determination of the indirect cost rate or rates as provided in section G.

G. Determination and application of indirect cost rate or rates.—1. *Indirect cost pools.* a. Subject to b. below, indirect costs allocated to organized research should be treated as a common pool, and the costs in such common pool should then be distributed to individual research agreements benefiting therefrom on a single rate basis.

b. In some instances a single rate basis for use across the board on all Government research at an institution may not be appropriate, since it would not take into account those different environmental factors which may affect substantially the indirect costs applicable to a particular segment of Government research at the institution. For this purpose, a particular segment of Gov-

ernment research may be that performed under a single research agreement or it may consist of research under a group of research agreements performed in a common environment. The environmental factors are not limited to the physical location of the work. Other important factors are the level of the administrative support required, the nature of the facilities or other resources employed, the scientific disciplines or technical skills involved, the organizational arrangements used, or any combination thereof. Where a particular segment of Government research is performed within an environment which appears to generate a significantly different level of indirect costs, provision should be made for a separate indirect cost pool applicable to such work. The separate indirect cost pool should be developed during the course of the regular distribution process, and the separate indirect cost rate resulting therefrom should be utilized provided it is determined that (1) such indirect cost rate differs significantly from that which would have obtained under a. above, and (2) the volume of research work to which such rate would apply is material in relation to other Government research at the institution.

2. *The distribution base.* Indirect costs allocated to organized research should be distributed to applicable research agreements on the basis of direct salaries and wages. For this purpose, an indirect cost rate should be determined for each of the separate indirect cost pools developed pursuant to section G.1. The rate in each case should be stated as the percentage which the amount of the particular indirect cost pool is of the total direct salaries and wages of all research agreements identified with such pool. For the purpose of establishing an indirect cost rate, direct salaries and wages may include that portion contributed to the research by the institution for cost sharing or other purposes. Bases other than salaries and wages may be used provided it can be demonstrated that they produce more equitable results.

3. *Negotiated lump sum for indirect costs.* A negotiated fixed amount in lieu of indirect costs may be appropriate for self-contained, off-campus, or primarily subcontracted research activities where the benefits derived from an institution's indirect services cannot be readily determined. Such amount negotiated in lieu of indirect costs will be treated as an offset to total indirect expenses before apportionment to instruction, organized research, and other institutional activities. The base on which such remaining expenses are allocated should be appropriately adjusted.

4. *Predetermined fixed rates for indirect costs.* Public Law 87-638 (76 Stat. 437) authorizes the use of predetermined fixed rates in determining the indirect costs applicable under research agreements with educational institutions. The stated objectives of the law are to simplify the administration of cost-type research and and development contracts (including grants) with educational institutions, to facilitate the preparation of their budgets, and to permit more expeditious closeout of such contracts when the work is completed. In view of the potential advantages offered by this procedure, consideration should be given to the negotiation of predetermined fixed rates for indirect costs in those situations where the cost experience and other pertinent facts available are deemed sufficient to enable the parties involved to reach an informed judgment as to the probable level of indirect costs during the ensuing accounting period.

5. *Negotiated fixed rates and carryforward provisions.* When a fixed rate is negotiated in advance for a fiscal year (or other time period), the over- or under-recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation. When the rate is negotiated before the carryforward adjustment is determined due to the delay in audit, the carryforward may be applied to the next subsequent rate negotiation. When such adjustments are to be made, each fixed rate negotiated in advance for a given period will be computed by applying the expected indirect costs allocable to Government research for the forecast period plus or minus the carryforward adjustment (over- or under-recovery) from the prior period, to the forecast distribution base. Unrecovered amounts under lump-sum agreements or cost-sharing provisions of prior years shall not be carried forward for consideration in the new rate negotiation. There must, however, be an advance understanding in each case between the institution and the cognizant Federal agency as to whether these differences will be considered in the rate negotiation rather than making the determination after the differences are known. Further, institutions electing to use this carryforward provision may not subsequently change without prior approval of the cognizant Federal agency. In the event that an institution returns to a postdetermined rate, any over- and under-recovery during the period in which negotiated fixed rates and carryforward provisions were followed will be included in the subsequent postdetermined rates. Where multiple rates are used, the same procedure will be applicable for determining each rate. This procedure also applies to rates established for grants and contracts for training and other educational services, but does not apply to cost-type research agreements covering work performed in wholly or partially Government-owned facilities.

H. *Simplified method for small institutions.*—1. *General.* a. Where the total direct cost of all federally supported work under research and educational service agreements at an institution does not exceed $1,000,000 in a fiscal year (excluding direct payments by the institution to participants under educational service agreements for stipends, support, and similar costs requiring little, if any, indirect cost support), the use of the abbreviated procedure described in 2., below, may be used in determining allowable indirect costs. Under this abbreviated procedure, the institution's most recent annual financial report and immediately available supporting information, with salaries and wages segregated from other costs, will be utilized as a basis for determining the indirect cost rate applicable both to federally supported research and educational service agreements.

b. The rigid formula approach provided under this abbreviated procedure should not be used where it produces results which appear inequitable to the Government or the institution. In any such case, indirect costs should be determined through use of the regular procedure.

2. *Abbreviated procedure.* a. Establish the total amount of salaries and wages paid to all employees of the institution.

b. Establish an indirect cost pool consisting of the expenditures (exclusive of capital items and other costs specifically identified as unallowable) which customarily are classified under the following titles or their equivalents:

(1) General administration and general expenses (exclusive of costs of student administration and services, student aid student activities, and scholarships).

(2) Operation and maintenance of physical plant.

(3) Library.

(4) Department administration expenses, which will be computed as 20 percent of the salaries and expenses of deans and heads of departments.

In those cases where expenditures classified under 2.b.(1) and 2.b.(2) have previously been allocated to other institutional activities, they may be included in the indirect cost pool. The total amount of salaries and wages included in the indirect cost pool must be separately identified.

c. Establish a salary and wage distribution base, determined by deducting from the total of salaries and wages as established under 2.a. the amount of salaries and wages included under 2.b.

d. Establish the indirect cost rate, determined by dividing the amount in the indirect cost pool 2.b. by the amount of the distribution base 2.c.

e. Apply the indirect cost rate established to direct salaries and wages for individual agreements to determine the amount of indirect costs allocable to such agreements.

J. *General standards for selected items of cost.* Sections J.1. through J.46. provide standards to be applied in establishing the allowability of certain items involved in determining cost. These standards should apply irrespective of whether a particular item of cost is properly treated as direct cost or indirect cost. Failure to mention a particular item of cost in the standards is not intended to imply that it is either allowable or unallowable; rather determination as to allowability in each case should be based on the treatment or standards provided for similar or related items of cost. In case of discrepancy between the provisions of a specific research agreement and the applicable standards provided, the provisions of the research agreement should govern.

1. *Advertising costs.* The term advertising costs means the costs of advertising media and corollary administrative costs. Advertising media include magazines, newspapers, radio and television programs, direct mail, exhibits, and the like. The only advertising costs allowable are those which are solely for (a) the recruitment of personnel required for the performance by the institution of obligations arising under the research agreement, when considered in conjunction with all other recruitment costs, as set forth in J.32.; (b) the procurement of scarce items for the performance of the research agreement; or (c) the disposal of scrap or surplus materials acquired in the performance of the research agreement. Costs of this nature, if incurred for more than one research agreement or for both research agreement work and other work of the institution, are allowable to the extent that the principles in sections D and E are observed.

2. *Bad debts.* Any losses, whether actual or estimated arising from uncollectible accounts and other claims, related collections costs, and related legal costs, are unallowable.

3. *Capital expenditures.* The costs of equipment, buildings, and repairs which materially increase the value or useful life of buildings or equipment, are unallowable except as provided for in the research agreement. Government funds shall not be used for the acquisition of land, or any interest therein, except with the specific prior approval of the sponsoring agency.

4. *Civil defense costs.* Civil defense costs are those incurred in planning for, and the protection of life and property against, the possible effects of enemy attack. Reasonable costs of civil defense measures (including costs in excess of normal plant protection costs, first-aid training and supplies, fire-fighting training, posting of additional exit notices and directions, and other approved civil defense measures) undertaken on the institution's premises pursuant to suggestions or requirements of civil defense authorities are allowable when distributed to all activities of the institution. Capital

expenditures for civil defense purposes will not be allowed, but a use allowance or depreciation may be permitted in accordance with provisions set forth in section J.10. Costs of local civil defense projects not on the institution's premises are unallowable.

5. *Commencement and convocation costs.* Costs incurred for commencements and convocations apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

6. *Communication costs.* Costs incurred for telephone services, local and long distance telephone calls, telegrams, radiograms, postage and the like, ar allowable.

7. *Compensation for personal services.*—a. *General.* Compensation for personal services covers all remuneration paid currently or accrued to the institution for services of employees rendered during the period of performance under Government research agreements. Such remuneration includes salaries, wages, staff benefits (see section J.39.), and pension plan costs (see section J.28.). The costs of such remuneration are allowable to the extent that the total compensation to individual employees is reasonable for the services rendered and conforms to the established policy of the institution consistently applied, and provided that the charges for work performed directly on Government research agreements and for other work allocable as indirect costs to organized research are determined and supported as hereinafter provided.

b. *Payroll distribution.* Amounts charged to organized research for personal services, except stipulated salary support, regardless of whether treated as direct costs or allocated as indirect costs, will be based on institutional payrolls which have been approved and documented in accordance with generally accepted institutional practices. Support for direct and indirect allocations of personal service costs to (1) instruction, (2) organized research, and (3) indirect activities as defined in section E.1., or (4) other institutional activities as defined in section B.4., will be provided as described in c., d., e., and f., below.

c. *Stipulated salary support.* As an alternative to payroll distribution, stipulated salary support amounts may be provided in the research agreement for professorial staff, any part of whose compensation is chargeable to Government-sponsored research. Stipulated salary support may also be provided for any other professionals who are engaged part time in sponsored research and part time in other work. The stipulated salary support for an individual will be determined by the Government and the educational institution during the proposal and award process on the basis of considered judgment as to the monetary value of the contribution which the individual is expected to make to the research project. This judgment will take into account any cost sharing by the institution and such other factors as the extent of the investigator's planned participation in the project and his ability to perform as planned in the light of his other commitments. It will be necessary for those who review research proposals to obtain information on the total academic year salary of the faculty members involved; the other research projects or proposals for which salary is allocated; and any other duties they may have such as teaching assignments, administrative assignments, number of graduate students for which they are responsible, or other institutional activities. Stipulated amounts for an individual must not per se result in increasing his official salary from the institution.

d. *Direct charges for personal services under payroll distribution.* The direct cost charged to organized research for the personal services of professorial and professional staff, exclusive of those whose salaries are stipulated in the research agreement, will be based on institutional payroll systems. Such institutional payroll systems must be supported by either (1) an adequate appointment and workload distribution system accompanied by monthly reviews performed by responsible officials and a reporting of any significant changes in workload distribution of each professor or professional staff member, or (2) a monthly after-the-fact certification system which will require the individual investigators, deans, departmental chairmen or supervisors having first-hand knowledge of the services performed on each research agreement to report the distribution of effort. Reported changes will be incorporated during the accounting period into the payroll distribution system and into the accounting records. Direct charges for salaries and wages of nonprofessionals will be supported by time and attendance and payroll distribution records.

e. *Direct charges for personal services under stipulated salaries.* The amounts stipulated for salary support will be treated as direct costs. The stipulated salary for the academic year will be prorated equally over the duration of the grant or contract period during the academic year, unless other arrangements have been made in the grant or contract instrument. No time or effort reporting will be required to support these amounts. Special provision for summer salaries, or for a particular "off period" if other than summer, will be required. The research agreements will state that any research covered by summer salary support must be carried out during the summer, not during the academic year, and at locations approved in advance in writing by the granting agency. The certification required in section K will attest to this requirement as well as all others in a given research agreement. Stipulated salary support remains fixed during the funding period of the grant or contract and will be costed at the rate described above unless there is a significant change in performance. For example, a significant change in performance would exist if the faculty member (1) was ill for an extended period, (2) took sabbatical leave to devote effort to duties unrelated to his research, or (3) was required to increase substantially his teaching assignments, administrative duties, or responsibility for more research projects. In the latter event, it will be the responsibility of the educational institution to reduce the charges to the research agreement proportionately or seek an appropriate amendment. In the case of those covered by stipulated salary support, the auditors are no longer required to review the precise accuracy of time or effort devoted to research projects. Rather, their reviews should include steps to determine on a sample basis that an institution is not reimbursed for more than 100 percent of each faculty member's salary and that the portion of each faculty member's salary charged to Government-sponsored research is reasonable in view of his university workload and other commitments. The stipulated salary method may also be agreed upon for that portion of a professional's salary that represents cost sharing by the institution.

f. *Indirect personal services costs.* Allowable indirect personal services costs will be supported by the educational institution's accounting system maintained in accordance with generally accepted institutional practices. Where a comprehensive accounting system does not exist, the institution should make periodic surveys no less frequently than annually to support the indirect personal services costs for inclusion in the overhead pool. Such supporting documentation must be retained for subsequent review by Government officials.

g. *General guidance for charging personal services.* Budget estimates on a monthly, quarterly, semester, or yearly basis do not qualify as support for charges to federally sponsored research projects and should not be used unless confirmed after the fact. Charges to research agreements may include reasonable amounts for activities contributing and intimately related to work under the agreement, such as preparing and delivering special lectures about specific aspects of the ongoing research, writing research reports and articles, participating in appropriate research seminars, consulting with colleagues and graduate students with respect to related research, and attending appropriate scientific meetings and conferences. In no case should charges be made to federally sponsored research projects for lecturing or preparing for formal courses listed in the catalog and offered for degree credit, or for committee or administrative work related to university business.

h. *Nonuniversity professional activities.* A university must not alter or waive university-wide policies and practices dealing with the permissible extent of professional services over and above those traditionally performed without extra university compensation, unless such arrangements are specifically authorized by the sponsoring agency. Where university-wide policies do not adequately define the permissible extent of consultantships or other nonuniversity activities undertaken for extra pay, the Government may require that the effort of professional staff working under research agreements be allocated as between (1) university activities, and (2) nonuniversity professional activities. If the sponsoring agency should consider the extent of nonuniversity professional effort excessive, appropriate arrangements governing compensation will be negotiated on a case-by-case basis.

i. *Salary rates for academic year.* Charges for work performed on Government research by faculty members during the academic year will be based on the individual faculty member's regular compensation for the continuous period which, under the practice of the institution concerned, constitutes the basis of his salary. Charges for work performed on research agreements during all or any portion of such period would be allowable at the base salary rate. In no event will the charge to research agreements, irrespective of the basis of computation, exceed the proportionate share of the base salary for that period, and any extra compensation above the base salary for work on Government research during such period would be unallowable. This principle applies to all members of the faculty at an institution. Since intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary, the principle also applies to those who function as consultants or otherwise contribute to a research agreement conducted by another faculty member of the same institution. However, in unusual cases where consultation is across departmental lines or involves a separate or remote operation, and the work performed by the consultant is in addition to his regular departmental load, any charges for such work representing extra compensation above the base salary are allowable provided such consulting arrangement is specifically provided for in the research agreement or approved in writing by the sponsoring agency.

j. *Salary rates for periods outside the academic year.* Charges for work performed by faculty members on Government research during the summer months or other periods not included in the base salary period will

be determined for each faculty member at a monthly rate not in excess of that which would be applicable under his base salary and will be limited to charges made in accordance with other subsections of J. 7.

k. *Salary rates for part-time faculty.* Charges for work performed on Government research by faculty members having only part-time appointments for teaching will be determined at a rate not in excess of that for which he is regularly paid for his part-time teaching assignments. Example: An institution pays $5,000 to a faculty member for half-time teaching during the academic year. He devoted one-half of his remaining time (25 per cent of his total available time) to Government research. Thus his additional compensation, chargeable by the institution to Government research agreements, would be one-half of $5,000 or $2,500.

8. *Contingency provisions.* Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, intensity, or with an assurance of their happening, are unallowable.

9. *Deans of faculty and graduate schools.* The salaries and expenses of deans of faculty and graduate schools, or their equivalents, and their staffs, are allowable.

10. *Depreciation and use allowances.* a. Institutions may be compensated for the use of buildings, capital improvements, and usable equipment on hand through use allowances or depreciation. Use allowances are the means of providing such compensation when depreciation or other equivalent costs are not considered. However, a combination of the two methods may not be used in connection with a single class of fixed assets.

b. Due consideration will be given to Government-furnished facilities utilized by the institution when computing use allowances and/or depreciation if the Government-furnished facilities are material in amount. Computation of the use allowance and/or depreciation will exclude both the cost or any portion of the cost of buildings and equipment borne by or donated by the Federal Government, irrespective of where title was originally vested or where it presently resides and, secondly, the cost of grounds. Capital expenditures for land improvements (paved areas, fences, streets, sidewalks, utility conduits and similar improvements not already included in the cost of buildings) are allowable provided the systematic amortization of such capital expenditures has been provided, based on reasonable determinations of the probable useful lives of the individual items involved, and the share allocated to organized research is developed from the amount thus amortized for the base period involved. Amortization methods once used should not be changed for a given building or equipment unless approved in advance by the cognizant Federal agency.

c. Where the use allowance method is followed, the use allowance for buildings and improvements will be computed at an annual rate not exceeding two percent of acquisition cost. The use allowance for equipment will be computed at an annual rate not exceeding six and two-thirds percent of acquisition cost of usable and needed equipment in those cases where the institution maintains current records with respect to such equipment on hand. Where the institution's records reflect only the cost (actual or estimated) of the original complement of equipment, the use allowance will be computed at an annual rate not exceeding ten percent of such cost. Original complement for this purpose means the complement of equipment initially placed in buildings to perform the functions currently being performed in such buildings; however, where a permanent change in the function of a building takes place, a redetermination of the original complement of equipment may be made at that time to establish a new original complement. In those cases where no equipment records are maintained, the institution will justify a reasonable estimate of the acquisition cost of usable and needed equipment which may be used to compute the use allowance at an annual rate not exceeding six and two-thirds percent of such estimate.

d. Where the depreciation method is followed, adequate property record must be maintained and periodic inventory (a statistical sampling basis is acceptable) must be taken to insure that properties for which depreciation is charged do exist and are needed. The period of useful service (service life) established in each case for usable capital assets must be determined on a realistic basis which takes into consideration such factors as type of construction, nature of the equipment used, technological developments in the particular research area, and the renewal and replacement policies followed for the individual items or classes of assets involved. Where the depreciation method is introduced for application to assets acquired in prior years, the annual charges therefrom must not exceed the amounts that would have resulted had the depreciation method been in effect from the date of acquisition of such assets.

e. Where an institution elects to go on a depreciation basis for a particular class of assets, no depreciation, rental or use charge may be allowed on any such assets that, under d. above, would be viewed as fully depreciated provided, however, that reasonable use charges may be negotiated for any such assets if warranted after taking into consideration the cost of the facility or item involved, the estimated useful life remaining at time of negotiation, the actual replacement policy followed in the light of service lives used for calculating depreciation, the effect of any increased maintenance charges or decreased efficiency due to age, and any other factors pertinent to the utilization of the facility or item for the purpose contemplated.

11. *Employee morale, health, and welfare costs and credits.* The costs of house publications, health or first-aid clinics and/or infirmaries, recreational activities, employees' counseling services, and other expenses incurred in accordance with the institution's established practice or custom for the improvement of working conditions, employer-employee relations, employee morale, and employee performance, are allowable. Such costs will be equitably apportioned to all activities of the institution. Income generated from any of these activities will be credited to the cost thereof unless such income has been irrevocably set over to employee welfare organizations.

12. *Entertainment costs.* Costs incurred for amusement, social activities, entertainment, and any items relating thereto, such as meals, lodging, rentals, transportation, and gratuities, are unallowable.

13. *Equipment and other facilities.* The cost of permanent equipment or other facilities are allowable where such purchases are approved by the sponsoring agency concerned or provided for by the terms of the research agreement. Total expenditures for permanent equipment may not exceed 125 percent of the amount allotted for the permanent equipment category by the sponsoring agency (through an approved budget or other document) except with approval. The term "permanent equipment" shall mean an item of property which has an acquisition cost of $200 or more and has an expected service life of one year or more.

a. *General purpose equipment.* Approval must be obtained to acquire, with Government funds any general purpose permanent equipment, i.e., any items which are usable for activities of the institution other than research, such as office equipment and furnishings, air conditioning, reproduction or printing equipment, motor vehicles, etc., or any automatic data processing equipment.

b. *Research equipment.* Approval must be obtained to acquire with Government funds any item or permanent research equipment costing $1,000 or more.

14. *Fines and penalties.* Costs resulting from violations of, or failure of the institution to comply with, Federal, State, and local laws and regulations are unallowable except when incurred as a result of compliance with specific provisions of the research agreement, or instructions in writing from the contracting officer.

15. *Insurance and indemnification.* a. Costs of insurance required or approved, and maintained, pursuant to the research agreement, are allowable.

b. Costs of other insurance maintained by the institution in connection with the general conduct of its activities, are allowable subject to the following limitations: (1) Types and extent and cost of coverage must be in accordance with sound institutional practice; (2) costs of insurance or of any contributions to any reserve covering the risk of loss of or damage to Government-owned property are unallowable except to the extent that the Government has specifically required or approved such costs; and (3) costs of insurance on the lives of officers or trustees are unallowable except where such insurance is part of an employee plan which is not unduly restricted.

c. Contributions to a reserve for an approved self-insurance program are allowable to the extent that the types of coverage, extent of coverage, and the rates and premiums would have been allowed had insurance been purchased to cover the risks.

d. Actual losses which could have been covered by permissible insurance (through an approved self insurance program or otherwise) are unallowable unless expressly provided for in the research agreement, except that costs incurred because of losses not covered under existing deductible clauses for insurance coverage provided in keeping with sound management practice as well as minor losses not covered by insurance, such as spoilage, breakage and disappearance of small hand tools, which occur in the ordinary course of operations, are allowable.

e. Indemnification includes securing the institution against liabilities to third persons and other losses not compensated by insurance or otherwise. The Government is obligated to indemnify the institution only to the extent expressly provided for in the research agreement, except as provided in d. above.

16. *Interest, fund raising, and investment management costs.* a. Costs incurred for interest on borrowed capital or temporary use of endowment funds, however represented, are unallowable.

b. Costs of organized fund raising, including financial campaigns, endowment drives, solicitation of gifts and bequests, and similar expenses incurred solely to raise capital or obtain contributions, are not allowable under Government research agreements.

c. Costs of investment counsel and staff and similar expenses incurred solely to enhance income from investments are not allowable under Government research agreements.

d. Costs related to the physical custody and control of monies and securities are allowable.

17. *Labor relations costs.* Costs incurred in maintaining satisfactory relations between

the institution and its employees, including costs of labor management committees, employees' publications, and other related activities, are allowable.

18. *Losses on other research agreements or contracts.* Any excess of costs over income under any other research agreement or contract of any nature is unallowable. This includes, but is not limited to, the institution's contributed portion by reason of cost-sharing agreements or any under-recoveries through negotiation of flat amounts for indirect costs.

19. *Maintenance and repair costs.* Costs incurred for necessary maintenance, repair or upkeep of property (including Government property unless otherwise provided for) which neither add to the permanent value of the property nor appreciably prolong its intended life but keep it in an efficient operating condition, are allowable.

20. *Material costs.* Costs incurred for purchased materials, supplies, and fabricated parts directly or indirectly related to the research agreement, are allowable. Purchases made specifically for the research agreement should be charged thereto at their actual prices after deducting all cash discounts, trade discounts, rebates, and allowances received by the institution. Withdrawals from general stores or stockrooms should be charged at their cost under any recognized method of pricing stores withdrawals conforming to sound accounting practices consistently followed by the institution. Incoming transportation charges are a proper part of material cost. Direct material cost should include only the materials and supplies actually used for the performance of the research agreement, and due credit should be given for any excess materials retained, or returned to vendors. Due credit should be given for all proceeds or value received for any scrap resulting from work under the research agreement. Where Government-donated or furnished material is used in performing the research agreement, such material will be used without charge.

21. *Memberships, subscriptions and professional activity costs.* a. Costs of the institution's membership in civic, business, technical, and professional organizations are allowable.

b. Costs of the institution's subscriptions to civic, business, professional, and technical periodicals are allowable.

c. Costs of meetings and conferences, when the primary purpose is the dissemination of technical information, are allowable. This includes costs of meals, transportation, rental of facilities, and other items incidental to such meetings or conferences.

22. *Patent costs.* Costs of preparing disclosures, reports, and other documents required by the research agreement and of searching the art to the extent necessary to make such invention disclosures, are allowable. In accordance with the clauses of the research agreement relating to patents, costs of preparing documents and any other patent costs, in connection with the filing of a patent application where title is conveyed to the Government, are allowable. (See also section J.33.)

23. *Pension plan costs.* Costs of the institution's pension plan which are incurred in accordance with the established policies of the institution are allowable, provided such policies meet the test of reasonableness and the methods of cost allocation are not discriminatory, and provided appropriate adjustments are made for credits or gains arising out of normal and abnormal employee turnover or any other contingencies that can result in forfeitures by employees which inure to the benefit of the institution.

24. *Plant security costs.* Necessary expenses incurred to comply with Government security requirements, including wages, uniforms and equipment of personnel engaged in plant protection, are allowable.

25. *Preresearch agreement costs.* Costs incurred prior to the effective date of the research agreement, whether or not they have been allowable thereunder if incurred after such date, are unallowable unless specifically set forth and identified in the research agreement.

26. *Professional services costs.* a. Costs of professional services rendered by the members of a particular profession who are not employees of the institution are allowable, subject to b. and c. below, when reasonable in relation to the services rendered and when not contingent upon recovery of the costs from the Government. Retainer fees to be allowable must be reasonably supported by evidence of services rendered.

b. Factors to be considered in determining the allowability of costs in a particular case include (1) the past pattern of such costs, particularly in the years prior to the award of Government research agreements; (2) the impact of Government research agreements on the institution's total activity; (3) the nature and scope of managerial services expected of the institution's own organizations; and (4) whether the proportion of Government work to the institution's total activity is such as to influence the institution in favor of incurring the cost, particularly where the services rendered are not of a continuing nature and have little relationship to work under Government research agreements.

c. Costs of legal, accounting, and consulting services, and related costs, incurred in connection with organization and reorganization or the prosecution of claims against the Government, are unallowable. Costs of legal, accounting and consulting services, and related costs, incurred in connection with patent infringement litigation, are unallowable unless otherwise provided for in the research agreement.

27. *Profits and losses on disposition of plant, equipment, or other capital assets.* Profits or losses of any nature arising from the sale or exchange of plant, equipment, or other capital assets, including sale or exchange of either short- or long-term investments, shall not be considered in computing research agreement costs.

28. *Proposal costs.* Proposal costs are the costs of preparing bids or proposals on potential Government and nongovernment research agreements or projects, including the development of engineering data and cost data necessary to support the institution's bids or proposals. Proposal costs of the current accounting period of both successful and unsuccessful bids and proposals normally should be treated as indirect costs and allocated currently to all activities of the institution, and no proposal costs of past accounting periods will be allocable in the current period to the Government research agreement. However, the institution's established practices may be to treat proposal costs by some other recognized method. Regardless of the method used, the results obtained may be accepted only if found to be reasonable and equitable.

29. *Public information services costs.* Costs of news releases pertaining to specific research or scientific accomplishment are unallowable unless specifically authorized by the sponsoring agency.

30. *Rearrangement and alteration costs.* Costs incurred for ordinary or normal rearrangement and alteration of facilities are allowable. Special arrangement and alteration costs incurred specifically for the project are allowable when such work has been approved in advance by the sponsoring agency concerned.

31. *Reconversion costs.* Costs incurred in the restoration or rehabilitation of the institution's facilities to approximately the same condition existing immediately prior to commencement of Government research agreement work, fair wear and tear excepted, are allowable.

32. *Recruiting costs.* a. Subject to b., c., and d. below, and provided that the size of the staff recruited and maintained is in keeping with workload requirements, costs of "help wanted" advertising, operating costs of an employment office necessary to secure and maintain an adequate staff, costs of operating an aptitude and educational testing program, travel costs of employees while engaged in recruiting personnel, travel costs of applicants for interviews for prospective employment, and relocation costs incurred incident to recruitment of new employees, are allowable to the extent that such costs are incurred pursuant to a well managed recruitment program. Where the institution uses employment agencies, costs not in excess of standard commercial rates for such services are allowable.

b. In publications, costs of help wanted advertising that includes color, includes advertising material for other than recruitment purposes, or is excessive in size (taking into consideration recruitment purposes for which intended and normal institutional practices in this respect), are unallowable.

c. Costs of help wanted advertising, special emoluments, fringe benefits, and salary allowances incurred to attract professional personnel from other institutions that do not meet the test of reasonableness or do not conform with the established practices of the institution, are unallowable.

d. Where relocation costs incurred incident to recruitment of a new employee have been allowed either as an allocable direct or indirect cost, and the newly hired employee resigns for reasons within his control within 12 months after hire, the institution will be required to refund or credit such relocation costs to the Government.

33. *Royalties and other costs for use of patents.* Royalties on a patent or amortization of the cost of acquiring a patent or invention or rights thereto, necessary for the proper performance of the research agreement and applicable to tasks or processes thereunder, are allowable unless the Government has a license or the right to free use of the patent, the patent has been adjudicated to be invalid or has been administratively determined to be invalid, the patent is considered to be unenforceable, or the patent has expired.

34. *Sabbatical leave costs.* Costs of leave of absence to employees for performance of graduate work or sabbatical study, travel, or research are allowable provided the institution has a uniform policy on sabbatical leave for persons engaged in instruction and persons engaged in research. Such costs will be allocated on an equitable basis among all appertaining activities of the institution. Where sabbatical leave is included in fringe benefits for which a cost is determined for assessment as a direct charge, the aggregate amount of such assessments applicable to all work of the institution during the base period must be reasonable in relation to the institution's actual experience under its sabbatical leave policy.

35. *Scholarships and student aid costs.* Costs of scholarships, fellowships and other forms of student aid apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, any tuition remissions

to such students for work performed are allocable to such research agreements provided consistent treatment is accorded such costs. (See section J. 39.)

36. *Severance pay.* a. Severance pay is compensation in addition to regular salaries and wages which is paid by an institution to employees whose services are being terminated. Costs of severance pay are allowable only to the extent that such payments are required by law, by employer-employee agreement, by established policy that constitutes in effect an implied agreement on the institution's part, or by circumstances of the particular employment.

b. Severance payments that are due to normal, recurring turnover and which otherwise meet the conditions of a. above may be allowed provided the actual costs of such severance payments are regarded as expenses applicable to the current fiscal year and are equitably distributed among the institution's activities during that period.

c. Severance payments that are due to abnormal or mass terminations are of such conjectural nature that allowability must be determined on a case-by-case basis. However, the Government recognizes its obligation to participate, to the extent of its fair share, in any specific payment.

37. *Specialized service facilities operated by institution.* a. The costs, including amortization by generally accepted accounting practice, of institutional services involving the use of highly complex and specialized facilities such as electronic computers, including the cost of adapting computers for use, wind tunnels, and reactors are allowable provided the charges therefor meet the conditions of b. or c. below, and otherwise take into account any items of income or Federal financing that qualify as applicable credits under section C.5.

b. The costs of such institutional services normally will be charged directly to applicable research agreements based on actual usage or occupancy of the facilities on the basis of a schedule of rates that (1) is designed to recover only aggregate costs of providing such services over a long term agreed upon in advance by the cognizant Federal agency on an individual basis, and (2) is applied on a nondiscriminatory basis as between organized research and other work of the institution, including usage by the institution for internal purposes. Commercial or accommodation sales of computer services will be charged at not less than the above rates; however, if the rates charged for these services are greater, the total amount of charges above the scheduled rates when significant may be considered in revising the schedule of rates. Further, within the constraints of this paragraph, it is not necessary that the rates charged for services be equal to the cost of providing those services during any one fiscal year.

c. In the absence of an acceptable arrangement for direct costing as provided in b. above, the costs incurred for such institutional services may be assigned to research agreements as indirect costs, provided the methods used achieve substantially the same results. Such arrangements should be worked out in coordination with the cognizant Federal agency in order to assure equitable distribution of the indirect costs.

38. *Special services costs.* Costs incurred for general public relations activities, catalogs, alumni activities, and similar services, are unallowable.

39. *Staff benefits.* a. Staff benefits in the form of regular compensation paid to employees during periods of authorized absences from the job, such as for annual leave, sick leave, military leave, and the like, are allowable provided such costs are absorbed by all institutional activities, including organized research, in proportion to the relative amount of time or effort actually devoted to each. (See section J.34. for treatment of sabbatical leave.)

b. Staff benefits in the form of employer contributions or expenses for social security, employee insurance, workmen's compensation insurance, the pension plan (see section J.23.), tuition or remission of tuition for individual employees or their families (see section J.35.), and the like, are allowable provided such benefits are granted in accordance with established institutional policies, and provided such contributions and other expenses, whether treated as indirect costs or as an increment of direct labor costs, are distributed to particular research agreements and other activities in a manner consistent with the pattern of benefits accruing to the individuals or groups of employees whose salaries and wages are chargeable to such research agreements and other activities.

40. *Student activity costs.* Costs incurred for intramural activities, student publications, student clubs, and other student activities, apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs.

41. *Student services costs.* Costs of the deans of students, administration of student affairs, registrar, placement offices, student advisers, student health and infirmary services, and such other activities as are identifiable with student services apply only to instruction and therefore are not allocable to research agreements, either as direct costs or indirect costs. However, in the case of students actually engaged in work under research agreements, a proportion of student services costs measured by the relationship between hours of work by students on such research work and total student hours including all research time may be allowed as a part of research administration expenses.

42. *Taxes.* a. In general, taxes which the institution is required to pay and which are paid or accrued in accordance with generally accepted accounting principles, and payments made to local governments in lieu of taxes which are commensurate with the local government services received are allowable, except for (1) taxes from which exemptions are available to the institution directly or which are available to the institution based on an exemption afforded the Government and in the latter case when the sponsoring agency makes available the necessary exemption certificates, and (2) special assessments on land which represent capital improvements.

b. Any refund of taxes, interest, or penalties, and any payment to the institution of interest thereon, attributable to taxes, interest, or penalties which were allowed as research agreement costs, will be credited or paid to the Government in the manner directed by the Government provided any interest actually paid or credited to an institution incident to a refund of tax, interest and penalty will be paid or credited to the Government only to the extent that such interest accrued over the period during which the institution had been reimbursed by the Government for the taxes, interest and penalties.

43. *Transportation costs.* Costs incurred for freight, express, cartage, postage, and other transportation services relating either to goods purchased, in process, or delivered, are allowable. When such costs can readily be identified with the items involved, they may be charged directly as transportation costs or added to the cost of such items. Where identification with the materials received cannot readily be made, inbound transportation costs may be charged to the appropriate indirect cost accounts if the institution follows a consistent, equitable procedure in this respect. Outbound freight, if reimbursable under the terms of the research agreement, should be treated as a direct cost.

44. *Travel costs.* a. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the institution. Such costs may be charged on an actual basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed by the institution in its regular operations.

b. Travel costs are allowable subject to c., d., e., and f. below, when they are directly attributable to specific work under a research agreement or are incurred in the normal course of administration of the institution or a department or research program thereof.

c. The difference in cost between first-class air accommodations and less than first-class air accommodations is unallowable except when less than first-class air accommodations are not reasonably available to meet necessary mission requirements, such as where less than first-class accommodations would (1) require circuitous routing, (2) require travel during unreasonable hours, (3) greatly increase the duration of the flight, (4) result in additional costs which would offset the transportation savings, or (5) offer accommodations which are not reasonably adequate for the medical needs of the traveler.

d. Costs of personnel movements of a special or mass nature are allowable only when authorized or approved in writing by the sponsoring agency or its authorized representative.

e. Foreign travel costs are allowable only when the travel has received specific prior approval. Each separate foreign trip must be specifically approved. For purposes of this provision, foreign travel is defined as "any travel outside of Canada and the United States and its territories and possessions."

f. Expenditures for domestic travel may not exceed $500, or 125 percent of the amount allotted for such travel by the sponsoring agency, whichever is greater, except with approval.

45. *Termination costs applicable to research agreements.* a. Termination of research agreements generally gives rise to the incurrence of costs or to the need for special treatment of costs, which would not have arisen had the agreement not been terminated. Items peculiar to termination are set forth below. They are to be used in conjunction with all other provisions of this Circular in the case of termination.

b. The cost of common items of material reasonably usable on the institution's other work will not be allowable unless the institution submits evidence that it could not retain such items at cost without sustaining a loss. In deciding whether such items are reasonably usable on other work of the institution, consideration should be given to the institution's plans and orders for current and scheduled work. Contemporaneous purchases of common items by the institution will be regarded as evidence that such items are reasonably usable on the institution's other work. Any acceptance of common items as allowable to the terminated portion of the agreement should be limited to the extent that the quantities of such items on hand, in transit, and on order are in excess of the reasonable quantitative requirements of other work.

c. If in a particular case, despite all reasonable efforts by the institution, certain costs cannot be discontinued immediately after the effective date of termination, such

costs are generally allowable within the limitations set forth in this Circular, except that any such costs continuing after termination due to the negligent or willful failure of the institution to discontinue such costs will be considered unacceptable.

d. Loss of useful value of special tooling, and special machinery and equipment is generally allowable, provided (1) such special tooling, machinery, or equipment is not reasonably capable of use in the other work of the institution; (2) the interest of the Government is protected by transfer of title or by other means deemed appropriate by the contracting officer or equivalent; and (3) the loss of useful value as to any one terminated agreement is limited to that portion of the acquisition cost which bears the same ratio to the total acquisition cost as the terminated portion of the agreement bears to the entire terminated agreement and other Government agreements for which the special tooling, special machinery, or equipment was acquired.

e. Rental costs under unexpired leases are generally allowable where clearly shown to have been reasonably necessary for the performance of the terminated agreement, less the residual value of such leases, if (1) the amount of such rental claimed does not exceed the reasonable use value of the property leased for the period of the agreement and such further period as may be reasonable; and (2) the institution makes all reasonable efforts to terminate, assign, settle, or otherwise reduce the cost of such lease. There also may be included the cost of alterations of such leased property, provided such alterations were necessary for the performance of the agreement, and of reasonable restoration required by the provisions of the lease.

f. Settlement expenses including the following are generally allowable: (1) Accounting, legal, clerical, and similar costs reasonably necessary for the preparation and presentation to contracting officers or equivalent of settlement claims and supporting data with respect to the terminated portion of the agreement, and the termination and settlement of subagreements; and (2) reasonable costs for the storage, transportation, protection, and disposition of property provided by the Government or acquired or produced by the institution for the agreement.

g. Claims under subagreements, including the allocable portion of claims which are common to the agreement and to other work of the institution, are generally allowable.

K. *Certification of charges.* To assure that expenditures for research grants and contracts are proper and in accordance with the research agreement documents and approved project budgets, the annual and/or final fiscal reports or vouchers requesting payment under research agreements will include a certification, signed by an authorized official of the university, which reads essentially as follows: "I certify that all expenditures reported (or payments requested) are for appropriate purposes and in accordance with the agreements set forth in the application and award documents."

APPENDIX B: PRINCIPLES FOR DETERMINING COSTS APPLICABLE TO TRAINING AND OTHER EDUCATIONAL SERVICES UNDER GRANTS AND CONTRACTS WITH EDUCATIONAL INSTITUTIONS

A. Purpose.
B. Application.
C. Terminology.
1. Educational service agreement.
2. Instruction.
D. Student administration and services.
E. Direct costs of educational service agreements.
F. Indirect costs of the instruction activity.
G. Indirect costs applicable to educational service agreements.
H. Indirect cost rates for educational service agreements.
J. General standards for selected items of cost.
1. Commencement and convocation costs (J.5.).
2. Compensation for personal services (J.7.).
3. Scholarships and student aid costs (J.35.).
4. Student activity costs (J.40.).
5. Student services costs (J.41.).

A. *Purpose.* This Attachment extends the scope of FMC 73-8 to cover the determination of costs incurred by educational institutions under Federal grants and contracts for training and other educational services.

B. *Application.* All Federal agencies will use FMC 73-8, including this Attachment, as a basis for determining allowable costs under grants and cost reimbursement type contracts with educational institutions for work performed under federally-supported educational service agreements.

C. *Terminology.* The following definitions are to be used in determining the indirect cost of federally-sponsored training and other educational services under this Attachment:

1. *Educational service agreement* means any grant or contract under which Federal financing is provided on a cost reimbursement basis for all or an agreed portion of the costs incurred for training or other educational services. Typical of the work covered by educational service agreements are summer institutes, special training programs for selected participants, professional or technical services to cooperating countries, the development and introduction of new or expanded courses, and similar instructional oriented undertakings, including special research training programs, that are separately budgeted and accounted for by the institution.

The term does not extend to (a) grants or contracts for organized research, (b) arrangements under which the Federal financing is exclusively in the form of scholarships, fellowships, traineeships, or other fixed amounts such as a cost of education allowance or the normal published tuition rates and fees of an institution, or (c) construction, facility and exclusively general resource or institutional type grants.

2. *Instruction* means all of the academic work other than organized research carried on by an institution, including the teaching of graduate and undergraduate courses, departmental research (see section B.2. of Attachment A) and all special training or other instructional oriented projects sponsored by the Federal Government or others under educational service agreements.

D. *Student administration and services.* In addition to the five major functional categories of indirect costs described in section F of Attachment A, there is established an adidtional category under the title "Student administration and services" to embrace the following:

1. The expenses in this category are those that have been incurred for the administration of student affairs and for services to students, including expenses of such activities as deans of students, admissions, registrar, counseling and placement services, student advisers, student health and infirmary services, catalogs, and commencements and convocations. The salaries of members of the academic staff whose academic appointments or assignments involve the performance of such administrative or service work may also be included to the extent that the portion so charged is supported pursuant to section J.2. The student administration and services category also includes the staff benefit and pension plan costs applicable to the salaries and wages included therein, an appropriate share of the cost of the operation and maintenance of the physical plant, and charges representing use allowance or depreciation applicable to the buildings and equipment utilized in the performance of the functions included in this category.

2. The expenses in this category are generally applicable in their entirety to the instruction activity. They should be allocated to applicable cost objectives within the instruction activity, including educational service agreements, when such agreements reasonably benefit from these expenses. Such expenses should be allocated on the basis of population served (computed on the basis of full-time equivalents including students, faculty, and others as appropriate) or other methods which will result in an equitable distribution to cost objectives in relation to the benefits received and be consistent with guides provided in section E.2. of Attachment A.

E. *Direct costs of educational service agreements.* Direct costs of work performed under educational service agreements will be determined consistent with the principles set forth in section D of Attachment A.

F. *Indirect costs of the Instruction Activity.* The indirect costs of the instruction activity as a whole should include its allocated share of administrative and supportive costs determined in accordance with the principles set forth in section D above and in section F of Attachment A. Such costs may include other items of indirect cost incurred solely for the instruction activity and not included in the general allocation of the various categories of indirect expenses. Costs incurred for the institutions by State and local governments are allowable as provided for in section C.6. of Attachment A.

G. *Indirect costs applicable to educational service agreements.* The individual items of indirect costs applicable to the instruction activity as a whole should be assigned to (1) educational service agreements, and (2) all other instructional work through use of appropriate cost groupings, selected distribution bases, and other reasonable methods as outlined in section E.2. of Attachment A. A single indirect pool may be used for all educational service agreements provided this results in a reasonably equitable distribution of costs among agreements in relation to indirect support services provided. However, when the level of indirect support significantly varies for work performed either on campus or off campus under a particular agreement or group of agreements, separate cost pools should be established consistent with the principles set forth in section G.1.b. of Attachment A. Where direct charges are provided for under educational service agreements for such things as commencement fees, student fees, and tuition, the related indirect costs, through separate cost groupings, should be excluded from the indirect costs allocable to the service agreements.

H. *Indirect cost rates for educational service agreements.* An indirect cost rate should be determined for the educational service agreement pool or pools, as established under section G above. The rate in each case should be stated as the percentage which the amount of the particular educational service agreement pool is of the total direct salaries and wages of all educational service agreements identified with such pool. Indirect costs should be distributed to individual agreements by applying the rate or rates established to direct salaries and wages for each agreement. When a fixed rate is negotiated in advance of a fiscal year, the over- or under-

recovery for that year may be included as an adjustment to the indirect cost for the next rate negotiation as in sections G.4. and G.5. of Attachment A.

J. General standards for selected items of cost. The standards for selected items of cost as set forth in sections J.1. through J.46. of Attachment A applicable to research agreements will also be applied to educational service agreements with the following modifications:

1. *Commencement and convocation costs (J.5.).* Expenses incurred for convocations and commencements apply to the instruction activity as a whole. Such expenses are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

2. *Compensation for personal services (J.7.).* Charges to educational service agreements for personal services will normally be determined and supported consistent with the provisions of section J.7. of Attachment A. However, the provision for stipulated salary support will not be used for educational service agreements. Also, charges may include compensation in excess of the base salary of a faculty member for the conduct of courses outside the normal duties of such member provided that: (a) Extra charges are determined at a rate not greater than the basic salary rate of the member; (b) salary payments for such work follow practices consistently applied within the institution; and (c) specific authorization for such charges is included in the educational service agreement.

3. *Scholarships and student aid costs (J.35.).* Expenses incurred for scholarships and student aid are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

4. *Student activity costs (J.40.).* Expenses incurred for student activities are unallowable as either direct costs or indirect costs of educational service agreements, unless specifically authorized in the educational service agreement or approved in writing by the sponsoring agency.

5. *Student services costs (J. 41.).* Expenses incurred for student services are unallowable as direct costs of educational service agreements unless specifically authorized in the agreement or approved in writing by the sponsoring agency. For eligibility of allocation as indirect costs, see section D.

APPENDIX C: COST ACCOUNTING STANDARDS ISSUED BY THE COST ACCOUNTING STANDARDS BOARD UNDER THE AUTHORITY OF PUBLIC LAW 91-379 (50 U.S.C. APP. 2168)

NOTE: See 4 CFR Parts 400, 401 and 402. This attachment filed as part of the original document.

[FR Doc74-86 Filed 1-3-74;8:45 a.m.]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

PART 17—MEDICAL

National Cemetery System, Eligibility for Interment

On pages 22904 and 22905 of the FEDERAL REGISTER of August 27, 1973 there was published a notice of proposed regulatory development to implement the Veterans Administration responsibility in the operation of the National Cemetery System (Pub. L. 93-43, 87 Stat. 75), which provides the authority on eligibility for interment in National cemeteries and rules on conducting memorial services in National cemeteries. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

As a result of the notice of proposed regulatory development four written communications are of record. Three requested clarification on eligibility and one objected to the rules on conducting memorial services. Changes which have been made in response to these communications are in a revision of § 1.600 which broadens the definitions of eligibility for interment in National cemeteries.

Proposed § 1.606 relating to memorial services in National cemeteries is deleted as §§ 1.218, 1.219, and 1.220 contain revised rules far broader in scope. These sections relating to security, law enforcement, and standards of conduct on Veterans Administration property were published at 38 FR 24364 and the rules were effective August 22, 1973.

Effective date. Section 1.600 is effective June 18, 1973, as to eligibility for interment in the former Veterans Administration cemeteries (now a part of the National Cemetery System) and effective September 1, 1973 as to interments in those cemeteries of the Department of the Army transferred to the Veterans Administration on that date. Section 17.200 is revoked effective June 18, 1973 and §§ 17.205 and 17.206 are revoked effective August 22, 1973.

Approved: December 26, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In 38 CFR Part 1, a new centerhead and § 1.600 is added as follows:

NATIONAL CEMETERIES

§ 1.600 Interments in national cemeteries.

The National Cemetery System established by Public Law 93-43, the National Cemetery Act of 1973 (87 Stat. 75), consists of all cemeteries under the jurisdiction of the Veterans Administration on June 18, 1973, and the National cemeteries transferred on September 1, 1973, from the Department of the Army to the Veterans Administration. The following rules of eligibility for interment in National cemeteries apply to all former Veterans Administration cemeteries as of June 18, 1973. These rules of eligibility for interment also apply to all cemeteries transferred on September 1, 1973, from the Department of the Army to the Veterans Administration, and to any other cemetery later acquired or developed by the Veterans Administration. Burial is authorized in National Cemeteries of the remains of the following:

(a) Any person who served on active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, and Coast Guard) who was discharged or released therefrom under conditions other than dishonorable.

(b) Any member of the Armed Forces of the United States who died while an active duty.

(c) Any member of the Reserve component of the Armed Forces, the Army National Guard or the Air National Guard, whose death occurs under honorable conditions while hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while performing active duty for training, inactive duty training, or undergoing that hospitalization or treatment at the expense of the United States.

(d) Any member of the Reserve Officers' Training Corps of the Army, Navy, or Air Force whose death occurs under honorable conditions while

(1) Attending an authorized training camp or on an authorized practice cruise,

(2) Performing authorized travel to or from that camp or cruise, or

(3) Hospitalized or undergoing treatment, at the expense of the United States, for injury or disease contracted or incurred under honorable conditions while

(i) Attending that camp or on that cruise,

(ii) Performing that travel, or

(iii) Undergoing that hospitalization or treatment at the expense of the United States.

(e) Any citizen of the United States who, during any war in which the United States is or has been engaged, served in the Armed Forces of any Government allied with the United States during that war, whose last such service terminated honorably, who was a citizen of the United States at the time of entry on such service and at the time of death.

(f) The wife or husband of any person listed in paragraphs (a) through (e) of this section or any interred veteran's unremarried widow, unremarried widower, minor child (under 21 years of age or under 23 years of age if pursuing a course of instruction at an approved educational institution), or unmarried adult child who was physically or mentally disabled and incapable of self-support, in the same grave with the veteran or in an adjoining gravesite if prior reservation for that grave was in effect.

(g) Such other persons or classes of persons as may be designated by the Administrator.

§§ 17.200, 17.205, 17.206 [Revoked]

2. In 38 CFR Part 17, the center title "VETERANS ADMINISTRATION CEMETERIES" is deleted and §§ 17.200, 17.205 and 17.206 are revoked.

[FR Doc.74-310 Filed 1-3-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revised Parking Review Regulation for the California Transportation Control Plan

This rulemaking modifies the existing regulation providing for review of new parking facilities contained in the California transportation control plan, 40 CFR 52.251, 38 FR 31248 (November 12, 1973). Aside from drafting changes, the following alterations have been made:

1. All residential parking facilities have been exempted from review. Parking facilities to be used by churches and other religious organizations solely for religious purposes have also been exempted.

2. The minimum size of parking lots to be reviewed has been increased from 50 to 250 spaces. New lots between 50 and 249 spaces will not be reviewed and a permit will not be required. However, the fact that they are being constructed should be reported to the Administrator or to the local agency designated to administer this regulation. If the reviewing agency finds in the future that such lots are having a significant adverse effect either on air quality or on the transportation control strategy in a specific geographical area, it may declare a period of review for them.

3. The conditions which must be satisfied before a permit may be granted have been rewritten to state explicitly that a permit may issue to any facility if there is a clear social or economic need for its construction. The design and location would have to be modified to the extent feasible to minimize adverse effects on air quality.

The new conditions would also authorize a permit to be granted if substantial and irretrievable commitments not resulting in the signing of a construction contract had been made by any applicant prior to the effective date of this section, subject once again to feasible adjustments to minimize impact on air quality.

The review requirement in the regulations promulgated on November 12, 1973, applied to all facilities for which a general construction contract had not been signed as of August 15, 1973. Notice that an August 15 date would be used was published in the FEDERAL REGISTER of August 3, 1973, but it is clear that few persons in fact became aware of that notice. This August 15 effective date was originally specified in a modification to a court order on July 26, 1973, in the case of *Natural Resources Defense Council* v. *Environmental Protection Agency (NRDC* v. *EPA)*, 475 F.2d 768 (D.C. Cir., January 31, 1973), as a condition to EPA's request that the promulgation date for all transportation control plans be delayed from August 15 to October 15, 1973.

However, in October 1973, when EPA again asked the court for a delay in promulgation of transportation control plans to November 1, 1973, NRDC asked the court to delete the August 15 date in favor of language stating that regulations requiring review of new sources or modifications should be applicable if construction had not been commenced by July 31, 1972. EPA opposed the setting of any such date retroactive to 1972, and stated it was inappropriate to raise such issues in the context of dealing with EPA's request for a November 1 promulgation date.

In handing down a modified order, on October 23, 1973, after the California plan had been announced, the Court did delete the August 15 date, but also deleted from NRDC's proposed order the language establishing July 31, 1972, as the applicable date. The Court left the following language in the court order:

> The effective date of any such rules or regulations is established by the requirements of Section 110 of the Clean Air Act.

Since the Agency believes that section 110 of the Act does not require retroactive application of the regulations for review of new sources, and since the August 15 date has been removed from the court order, the regulations promulgated herein remove the retroactive aspect to the parking lot review regulation, and make review applicable from and after February 15, 1974.

This change in the regulation has been deemed necessary because of the lack of time which the August 15 date provided in which both governmental entities and the construction industry could adjust to the new requirements for approval of construction. Although some confusion is inevitable when any new program is started, the retroactive aspect of the regulation has created much more confusion than necessary, and has made orderly planning difficult. EPA has no desire to halt construction that may be in progress, but it appears that in some instances this may have been the inadvertent effect of an apparently retroactive regulation.

The Administrator views the regulations which are the subject of this notice as one of the most important long-range elements of a viable transportation control strategy. Urban growth must be guided into patterns which provide for alternatives to exclusive dependence on the automobile.

The amendments made today are considered necessary by EPA to allow more explicit consideration of social and economic factors, to permit a period of administrative preparation to process applications, and to reduce the administrative task of processing permit applications to manageable proportions. Since many parking facility applications are currently on file and awaiting processing under the existing regulation, the Agency finds that good cause exists for making these revisions effective January 4, 1974. They will apply to all parking facilities for which permit applications are pending on that date, as well as to applications filed thereafter.

Similar revisions are likely to be made to other parking review regulations after they have been reexamined.

This regulation is issued under authority of sections 110 and 301(a) of the Clean Air Act, 42 U.S.C. 1857c-5 and 1857g(a).

RUSSELL E. TRAIN,
Administrator.

DECEMBER 27, 1973.

§ 52.251 Management of parking supply.

(a) Definitions:

(1) "Parking Facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily parked.

(2) "Vehicle trip" means a single movement by a motor vehicle that originates or terminates at a parking facility.

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, a building or structure, or portion thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of or the motor vehicle activity associated with such parking facility.

(5) "Commence" means to undertake a continuous program of on-site construction or modification.

(b) This regulation is applicable in the Metropolitan Los Angeles, San Diego, and San Francisco Bay Area Intrastate Air Quality Control Regions, in the Stanislaus, Fresno, San Joaquin, and Kern County portions of the San Joaquin Valley Intrastate Air Quality Control Region, and in the Sacramento, Yolo, El Dorado, and Placer County portions of the Sacramento Valley Intrastate Air Quality Control Region.

(c) The requirements of paragraphs (d) through (i) of this section are applicable to the following parking facilities in the area specified in paragraph (b) of this section, the construction or modification of which is commenced after February 15, 1974.

(1) Any new parking facility with parking capacity for 250 or more vehicles;

(2) Any parking facility that will be modified to increase parking capacity by 250 or more motor vehicles; and

(3) Any parking facility constructed or modified in increments which individually are not subject to review under paragraph (c)(1) and/or (c)(2) of this section but which, when all such increments occurring since February 15, 1974, are added together, as a total would subject the facility to review under paragraphs, (c)(1) and/or (c)(2) of this section.

(d) No person shall commence construction or modification of any facility subject to this section without first obtaining written approval from the Administrator or an agency designated by him; provided that this paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before February 15, 1974, in good faith and not

for the purpose of avoiding review. It does not apply to any parking facility constructed or operated together with a residential building or buildings for the primary use of residents of such building(s), nor does it apply to any parking facility to be constructed by a religious organization and to be used solely for religious purposes (not including high schools and college-level education).

(e) No approval to construct or modify a facility shall be granted unless the applicant shows to the satisfaction of the Administrator or an agency approved by him that either:

(1) There is a clear economic or social need for the facility, and that it will be so designed and located as to minimize any adverse impact on air quality; or

(2) Commitments made by the applicant prior to the effective date of this regulation make it unjust to require more than limited alterations to minimize effect on air quality; or

(3) (i) The design or operation of the facility will not cause a violation of the control strategy which is part of the applicable implementation plan and will be consistent with the plan's VMT reduction goals; and

(ii) The emissions resulting from the design or operation of the facility will not prevent or interfere with the attainment or maintenance of any national ambient air quality standard at any time within 10 years from the date of application. A permit may not be denied for reasons based on air quality in any case where the applicant makes a showing satisfactory to the Administrator or the agency designated by him that the spaces to be built will be used exclusively for serving mass transit (for example, as part of a park-and-ride system).

(f) Except to the extent that the Administrator or agency designated by him may waive any such requirement in writing, all applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) The normal hours of operation of the facility and the enterprises and activities that it serves.

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) The number of people using or engaging in any enterprises or activities that the facility will serve on a daily basis and a peak hour basis.

(7) A projection of the geographic areas in the community from which people and motor vehicles will be drawn to the facility. Such projection shall include data concerning the availability of mass transit from such areas.

(8) An estimate of the average and peak hour vehicle trip generation rates, before and after construction or modification of the facility.

(9) An estimate of the effect of the facility on traffic pattern and flow.

(10) An estimate of the effect of the facility on total VMT for the air quality control region.

(11) Additional information, plans, specification, or documents as required by the Administrator.

(g) If the Administrator or agency designated by him specifically so requests, the application shall also include an analysis of the effect of the facility on site and regional air quality, including where applicable a showing that the facility will be compatible with the applicable implementation plan, and that the facility will not cause any national air quality standard to be exceeded within 10 years from date of application. The Administrator may prescribe a standardized screening technique to be used in analyzing the effect of the facility on ambient air quality.

(h) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with applicable rules, regulations, permit conditions, and the design submitted in the application.

(i) Within 30 days after receipt of an application, the Administrator or agency approved by him shall notify the public, by prominent advertisement in the region described in paragraph (b) of this section, of the receipt of the application and the proposed action on it (whether approval, conditional approval, or denial), and shall invite public comment.

(1) The application, all submitted information, and the terms of the proposed action shall be made available to the public in a readily accessible place within the area described in paragraph (b) of this section.

(2) Public comments submitted within 30 days of the date such information is made available shall be considered in making the final decision on the application.

(3) The Administrator or agency approved by him shall take final action (approval, conditional approval, or denial) on an application within 30 days after close of the public comment period.

(j) For any new parking facility with capacity for 50 to 249 motor vehicles, any facility which will be modified to increase parking capacity by 50 to 249 motor vehicles, and any facility constructed or modified in increments which individually are not subject to review under this paragraph, but which, when all such increments occurring since February 15, 1974, are added together, as a total would subject the facility to review under this paragraph, no person shall commence construction or modification without first furnishing to the Administractor or any agency designated by him, the information required by paragraphs (f) (1) through (f) (5) of this section. No approval will be required by the Administrator unless the determination specified in paragraph (k) of this section is made. This paragraph shall not apply to any proposed construction or modification for which a general construction contract was finally executed by all appropriate parties on or before February 15, 1974.

(k) If the Administrator, or an agency designated by him, determines, and gives prominent public notice of such determination, that construction of parking lots of 50 to 249 spaces (or modification of parking lots to add 50 to 249 spaces) in any geographical subdivision of the areas specified in paragraph (b) of this section, is having or is likely to have a significant detrimental effect on the control strategies in this transportation control plan or on air quality, he may require approval by him, or an agency designated by him, pursuant to the procedures in paragraphs (d) through (i) of this section prior to construction of any additional such lots in such a subdivision. The Administrator shall approve an application unless he determines that the facility to be constructed would, either in itself or when viewed as part of a pattern of development, have a significant adverse impact on the applicable transportation control strategy.

(l) As an alternative to satisfying the requirements of paragraphs (d) through (k) of this section, any local jurisdiction, or authority may submit to the Administrator a comprehensive parking management plan covering, at a minimum, the next 5 years. The plan should be submitted no later than March 31, 1974. The Administrator shall approve such plan if he finds that:

(1) The agency submitting the plan has full and adequate legal authority to enforce compliance with its requirements.

(2) The area over which the agency exercises the authority described in paragraph (j) (1) of this section is a logical unit for air pollution control planning purposes.

(3) The plan sets forth a complete description of where additional construction of parking facilities will be allowed under the plan, and where parking spaces will be eliminated, either by the operation of the measures to be implemented under this plan or by further measures already adopted or to be adopted. The plan must state in detail the reasons for expecting any anticipated reduction in parking spaces, and must provide that no parking facility may legally be constructed in the area subject to the plan unless such construction is specifically authorized by the plan.

(4) The plan demonstrates that if its terms are carried out, air quality will improve at least as much as if all new parking facilities were subject to the requirements of paragraphs (d) through (k) of this section. If any increases in VMT would result under the proposed plan over and above the VMT figure that would result if the review system outlined in paragraphs (d) through (k) of this section were followed, the plan shall show by clear and convincing evidence any resulting impact on air quality to be insubstantial.

(5) The plan has been adopted after a public hearing held in conformity with

the requirements of § 51.4 of this chapter.

(m) In any area covered by a parking management plan approved under paragraph (1) of this section, no action to expand the number of spaces at parking facilities may be taken that is not explicitly provided for in the plan without a permit issued in accordance with the requirements of paragraphs (d) through (k) of this section.

[FR Doc.74-199 Filed 1-3-74;8:45 am]

SUBCHAPTER D—WATER PROGRAMS

PART 104—PUBLIC HEARINGS ON EFFLUENT STANDARDS FOR TOXIC POLLUTANTS

Pursuant to the authority of section 307(a) of the Federal Water Pollution Control Act, as amended (the Act) (Pub. L. 92-500, 86 Stat. 816), notice is hereby given that the Environmental Protection Agency has adopted a new Part 104, Title 40, Code of Federal Regulations, establishing rules of practice applicable to public hearings in connection with the establishment of effluent standards for toxic pollutants.

Section 307(a)(3) of the Act requires that, whenever the Administrator publishes a proposed effluent standard for a toxic pollutant, "he shall publish a notice for a public hearing on such proposed standard to be held within thirty days. As soon as possible after such hearing, but not later than six months after publication of the proposed effluent standard (or prohibition), unless the Administrator finds, on the record, that a modification of such proposed standard (or prohibition) is justified based upon a preponderance of evidence adduced at such hearings, such standard (or prohibition) shall be promulgated."

These rules set forth procedures for the required formal rulemaking hearings. Under the statute, modifications in proposed standards must be justified by a preponderance of evidence on the record. Thus, the procedures set forth below are intended to assure the production of a full and complete record.

Because these requirements constitute "rules of agency procedure or practice", notice and public procedure hereon are not required by 5 U.S.C. section 553. The regulations set forth below are hereby adopted, effective January 4, 1974.

Dated: December 27, 1973.

JOHN R. QUARLES, Jr.
Deputy Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended by adding a new Part 104, as follows:

Sec.
104.1 Applicability.
104.2 Definitions.
104.3 Notice of Hearing.
104.4 Statement of Basis and Purpose.
104.5 Docket.
104.6 Objections to Proposed Effluent Standard.
104.7 Designation of Presiding Officer.
104.8 Powers of Presiding Officer.
104.9 Prehearing Conferences.
104.10 Admission of Evidence.
104.11 Hearing Procedures.
104.12 Written Arguments.
104.13 Certification of Record.
104.14 Tentative or Recommended Decision.
104.15 Decision of Administrator.
104.16 Ex Parte Discussions.
104.17 Filing and Time.

AUTHORITY: Sections 501 and 307(a) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816).

§ 104.1 Applicability.

This Part shall be applicable to hearings held in connection with the establishment of toxic pollutant effluent standards under section 307(a) of the Act.

§ 104.2 Definitions.

As used in this part, the term:

(a) "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. section 1251 *et seq.*, Pub. L. 92-500, 86 Stat. 816.

(b) "Administrator" means the Administrator of the Environmental Protection Agency, or any employee of the Agency to whom the Administrator may by order delegate his authority to carry out his functions under section 307(a) of the Act, or any person who shall by operation of law be authorized to carry out such functions.

(c) "Hearing clerk" means the Hearing Clerk, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(d) "Party" means the staff of the Environmental Protection Agency, and any person who files an objection pursuant to § 104.6 hereof, or the authorized representative of any such person.

(e) "Person" means an individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, or any interstate body.

(f) "Effluent standard" means any effluent standard, which may include a prohibition of any discharge, established or proposed to be established for any toxic pollutant under section 307(a) of the Act.

(g) "Presiding officer" means the person designated by the Administrator to preside at a hearing under this part.

§ 104.3 Notice of hearing.

Whenever the Administrator publishes any proposed effluent standard, he shall simultaneously publish a notice of a public hearing to be held within thirty days following the date of publication of such proposed standard. The notice shall set forth a date prior to which any party may file objections to the proposed effluent standard in accordance with § 104.6 hereof.

§ 104.4 Statement of basis and purpose.

Whenever the Administrator publishes a proposed effluent standard, he shall make available to any interested person a statement of the basis and purpose of such standard. Such statement shall be set forth in its entirety or summarized in the preamble to the notice of proposed rulemaking for the effluent standard, and shall include:

(a) An explanation of how the proposed standard was derived, including any assumptions or calculations necessary for its derivation;

(b) Scientific and technical data and studies supporting the proposed standard; and

(c) Such other information as is necessary to fully set forth the basis and purpose of the standard.

§ 104.5 Docket.

Whenever the Administrator publishes a notice of hearing under this Part, the hearing clerk shall promptly establish a docket for the hearing, which shall contain the complete record of the hearing. The docket shall include all objections filed by any party, a verbatim transcript of the hearing, the statement of basis and purpose required by § 104.4 hereof, any public comments received pursuant to the notice setting forth the proposed effluent standards, and such other documents or exhibits as may be received in evidence by the presiding officer. Any documents in the docket shall be available to any person at actual cost of duplication.

§ 104.6 Objections to Proposed Effluent Standard.

Objections will be received for filing only if they comply with all the following provisions:

(a) Objections shall be received by the Hearing Clerk only if postmarked on or before the date set forth in the notice of hearing under § 104.3 hereof: *Provided,* That if the presiding officer finds that reasonable cause existed for the failure of an objector to file an objection prior to such date, he may authorize the objection to be filed subsequently thereto;

(b) Each objection to a proposed effluent standard shall be separately numbered;

(c) Objections must state with particularity the provisions of the proposed standard to which objection is taken, and must identify the specific modifications sought;

(d) Objections must be supported by reasonable grounds which, if true, are adequate to justify the specific modifications sought. If the objection alleges that the Administrator should not have relied on certain information, data, or expert opinion in setting an effluent standard, the objection shall specify precisely what information, data, or opinion should not have been relied upon, and the reasons therefor. If an objection alleges that a standard should be modified because of economic impact or considerations relating to feasibility or cost of treatment, such objection shall specify the relevance of such factors to determinations required to be made under section 307(a) of the Act.

The presiding officer shall promptly notify any person whose objection is not accepted for filing for any of the reasons set forth in this section, stating the reasons for such refusal. The objector may within seven days after receipt of such notification make a written reply.

§ 104.7 Designation of presiding officer.

The Administrator may preside personally at any hearing under this Part, or he may designate a presiding officer for the hearing. No person who has any personal pecuniary interest in the outcome of a proceeding under this Part shall serve as presiding officer in such proceeding.

§ 104.8 Powers of presiding officer.

The presiding officer shall have the duty to conduct a fair hearing within the time constraints imposed by section 307 (a) of the Act. He shall take all necessary action to avoid delay and to maintain order. He shall have all powers necessary to these ends, including but not limited to the power to:

(a) Rule upon motions and requests;

(b) Change the time and place of the hearing, and adjourn the hearing from time to time or from place to place;

(c) Examine and cross-examine witnesses and receive evidence;

(d) Admit or exclude evidence;

(e) Hear oral argument on the facts or the law;

(f) Require any part or all of the evidence to be submitted in writing.

§ 104.9 Prehearing conferences.

The presiding officer on his own motion, or on the motion of any party or his representative, may direct all parties or their representatives to appear at a specified time and place for a conference for:

(a) The simplification of the issues;

(b) The possibility of obtaining stipulations, admission of facts, and documents;

(c) The possibility of limitation of the number of witnesses;

(d) The identification, and if practicable, the scheduling of witnesses to be called;

(e) If appropriate, the advance submission at the prehearing conference by any party of all documentary evidence to be marked for identification. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts thereof, adequately identified, and shall supply copies of such excerpts together with the original document to the presiding officer for examination and study by all other parties and for use by opposing counsel.

(f) Such other matters as may aid in the expeditious disposition of the proceeding.

§ 104.10 Admission of evidence.

(a) Where a prehearing conference has been held, and the presiding officer has directed identification of witnesses and production of documentary evidence at such conference, the presiding officer may exclude any such evidence, or refuse to allow any witnesses to testify, where such witnesses were not identified or such documents submitted at the prehearing conference. Such evidence or testimony may be permitted, however, upon a showing satisfactory to the presiding officer that good cause existed for failure to produce them at the prehearing conference. The presiding officer may, following a prehearing conference, issue an order setting forth the agreements reached by the parties or representatives, the schedule of witnesses, and a statement of issues for the hearing. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

(b) The authenticity of all published or official documents included in the statement of basis and purpose or submitted at the prehearing conference shall be deemed admitted unless written objection thereto is filed with the presiding officer upon notice to the other parties within a time period which shall be specified by the presiding officer.

(c) The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(d) If relevant and material evidence is contained in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(e) Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief statement or affidavit, or an exhibit, it shall be inserted into the transcript *in toto*. In such event, it shall be considered a part of the transcript if the Administrator decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence *in toto* if the taking of such evidence will consume a considerable length of time at the hearing. But if the Administrator rules that such evidence should have been admitted, the hearing shall be reopened for that purpose.

(f) Affidavits may be admitted as evidence upon a showing of their relevancy, materiality, and competency. All parties may be permitted to examine all affidavits that are filed and to file counter affidavits within a period of time set by the presiding officer.

(g) Where affidavits or other documents are admitted without cross-examination of the affiant or maker, or where cross-examination is limited for any purpose by the presiding officer, the Administrator shall consider the extent to which an opportunity for cross-examination was provided in determining the weight to be accorded to evidence appearing in the record.

§ 104.11 Hearing procedures.

(a) *Burden of proof.* The burden of proof, and of going forward to present an affirmative case, shall be upon any party seeking to show that a modification of the proposed standard is justified. The presiding officer shall establish the order in which such parties shall be heard.

(b) *Limitation on oral testimony.* Where necessary in order to prevent undue prolongation of the hearing, or to comply with time limitations set forth in the Act, the presiding officer may limit the number of witnesses who may testify, and the scope and extent of cross-examination. Where necessary, corroborative or cumulative evidence may also be so limited.

(c) *Transcript.* A verbatim transcript of the hearing procedure shall be maintained, and shall constitute a part of the record.

(d) *Objections to admission of evidence.* If a party objects to the admission or rejection of any evidence or to any other ruling of the presiding officer during the hearing, he shall state briefly the grounds of such objection. If the objection is overruled by the presiding officer, an automatic exception will follow. The transcript shall not include argument or debate on an objection except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the record. No interlocutory appeal may be taken from any ruling of the presiding officer.

(e) *Waiver of objections to effluent standard.* Any party may at any time withdraw his objections to a proposed effluent standard. Any party who, after timely notice thereof, fails to appear at a hearing under this Part shall be deemed to have waived his objections.

§ 104.12 Written arguments.

The presiding officer shall announce at the hearing a reasonable period of time within which any party may file with the hearing clerk proposed findings and conclusions, and written arguments or briefs, based upon the record, citing, where applicable, the page or pages of the transcript or otherwise identifying the specific evidence in the record which is relied upon. If the party filing a brief seeks consideration by the Administrator of objections made by such party to any ruling of the presiding officer, he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 104.13 Certification of record.

The presiding officer shall notify the hearing clerk of the close of a hearing as soon as possible thereafter and of the time for filing written arguments, briefs, and proposed findings of fact and concomitant modifications in the proposed effluent standard. As soon as possible after the hearing, the presiding officer shall transmit to the hearing clerk the transcript of the testimony and any exhibits not already included in the docket. The presiding officer shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify, and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. At the end of the time period announced by the pre-

siding officer under § 104.12, the record shall promptly be transmitted to the Administrator for decision, including all documents filed in the docket, all motions and requests filed with the hearing clerk and rulings thereon; the certified transcript; and any proposed findings and conclusion of written arguments or briefs which have been filed.

§ 104.14 Tentative or recommended decision.

(a) As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file a tentative decision with the hearing clerk, or he shall designate a responsible employee of the Environmental Protection Agency to prepare a recommended decision.

(b) The tentative or recommended decision shall include a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues and the reasons or basis therefor. The tentative or recommended decision shall also include a ruling on each proposed finding or conclusion submitted by an objector, but need not include a ruling on any objection to a ruling of the presiding officer, except for any such ruling which is reversed by the Administrator.

(c) Upon the filing of the tentative or recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto by publication in the FEDERAL REGISTER. Within a period of time specified in such notice any interested person may file with the hearing clerk exceptions to the tentative or recommended decision, and a brief in support of such exceptions, setting forth references to the basis in the record for the exceptions, and any proposed changes in the tentative or recommended decision.

(d) Submission to Administrator: Upon the expiration of the period allowed for filing exceptions, the hearing clerk shall transmit to the Administrator any exceptions to the tentative or recommended decision which have been filed, with any briefs filed in support thereof.

(e) The procedures set forth in paragraphs (a) through (d) of this section may be omitted where the Administrator finds that due and timely execution of his functions, including compliance with time limitations established by law, imperatively and unavoidably so requires.

§ 104.15 Decision of Administrator.

After due consideration of the record, including exceptions and briefs filed under § 104.14, if any, the Administrator shall determine whether a modification of the proposed effluent standard is justified based upon a preponderance of evidence adduced at the hearing. If he determines that a modification is justified, he shall immediately promulgate a revised effluent standard.

§ 104.16 Ex parte discussions.

At no stage of a hearing under this Part shall the Administrator or the presiding officer consult with any person or party on a fact at issue: *Provided,* That the Administrator or the presiding officer may discuss facts at issue with any such person or party if all parties have been given reasonable notice and an opportunity to be present.

§ 104.17 Filing and time.

(a) All documents or papers required or authorized by the foregoing provisions of this Part shall be filed in quadruplicate. Any document or paper so required or authorized to be filed with the hearing clerk shall, during the course of the hearing, be filed with the presiding officer. A copy of each document or paper filed by any party with the presiding officer shall be provided to all other parties.

(b) Any document or paper required or authorized to be filed by this Part shall be deemed to be filed when postmarked, or in the case of papers delivered other than by mail, when received by the hearing clerk.

(c) Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

[FR Doc.74-198 Filed 1-3-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE

PART 5A-12—LABOR

PART 5A-16—PROCUREMENT FORMS

General Services Administration; Labor Practices

This amendment of the General Services Administration Procurement Regulations (1) adds procedures applicable to the award and reporting of contracts subject to the Walsh-Healey Public Contracts Act and (2) adds procedures for carrying out the General Services Administration Equal Employment Opportunity Program. The amendment provides that the GSA Office of Civil Rights is responsible for the GSA Equal Employment Opportunity Program and indicates the duties and responsibilities of various officials and organizational units associated with the program. In addition, the amendment implements the requirements of the Secretary of Labor (41 CFR 60-3) pertaining to employee testing and other selection procedures.

Chapter 5A is amended to add new Part 5A-12, as follows:

Subpart 5A-12.6—Walsh-Healey Public Contracts Act

Sec. 5A-12.604 Responsibilities of contracting officers.

Subpart 5A-12.8—Equal Opportunity in Employment

5A-12.800	Scope of subpart.
5A-12.803	Basic requirements.
5A-12.803-2	Equal Opportunity clause.
5A-12.803-9	Notice to bidders regarding preaward equal opportunity compliance reviews.
5A-12.803-50	Equal opportunity representation.
5A-12.804	Exemptions.
5A-12.804-1	General.
5A-12.804-2	Specific contracts.
5A-12.804-3	Facilities not connected with contracts.
5A-12.805	Administration.
5A-12.805-1	Duties of agencies.
5A-12.805-4	Reports and other required information.
5A-12.805-5	Compliance reviews.
5A-12.805-6	Complaints.
5A-12.805-9	Sanctions and penalties.
5A-12.805-50	Ability to comply with the Equal Opportunity clause.
5A-12.805-51	Equal opportunity considerations.
5A-12.805-52	[Reserved].
5A-12.805-53	Compliance agency.
5A-12.805-54	Furnishing information to contractors.
5A-12.807	Hearings.
5A-12.807-1	General.
5A-12.807-2	Informal hearings.
5A-12.807-3	Formal hearings.
5A-12.810	Affirmative action compliance programs.
5A-12.812	Rulings and interpretations.
5A-12.850	Validation of employment tests.
5A-12-850-1	General.
5A-12.850-2	Evidence of validity.
5A-12.850-3	Minimum standards for validation.
5A-12.850-4	Employment agencies and State employment services.
5A-12.850-5	Use of validity studies.
5A-12.850-6	Assumptions of validity.
5A-12.850-7	Continued use of tests.
5A-12.850-8	Other selection techniques.
5A-12.850-9	Compliance reviews.

Subpart 5A-12.6—Walsh-Healey Public Contracts Act

§ 5A-12.604 Responsibilities of contracting officers.

(a) *Notification to contractors.* Contracting officers shall furnish contractors with copies of Department of Labor W H Publication 1313, Notice to Employees Working on Government Contracts (illustrated at § 5A-16.954-1313) when awarding a contract subject to the Walsh-Healey Public Contracts Act. In addition, Form PC-16, Minimum Wage Determinations under the Walsh-Healey Public Contracts Act (copies available from Department of Labor) has been prepared by the Department of Labor to enable a contractor to ascertain the minimum wage determinations applicable to a particular contract. The Department of Labor will issue amendments to Form PC-16 as new determinations become effective. Copies of both W H Publication 1313 and PC-16 should be supplied for each of the contractor's establishments performing on contracts subject to the Walsh-Healey Public Contracts Act.

(b) *Reporting contract awards to Department of Labor.* The original and 1 copy of Standard Form 99, Notice of Award of Contract (illustrated at § 5A-16.901-99), shall be forwarded to the Department of Labor, Employment Standards Administration, Wage and Hour Division, Washington, DC 202100. A copy shall be retained in the procurement file. Detailed instructions for preparing

Standard Form 99 are prescribed by the Department of Labor in Circular Letter No. 2–65, dated December 10, 1965.

(c) *Violations and complaints.* Information concerning possible violations of the representations or stipulations required by the Walsh-Healey Public Contracts Act can originate from complaints of injured parties, from officers or employees of the U.S. Government, or otherwise. Any such complaints coming to the attention of the contracting officer shall be considered, together with any other relevant information that is available, in coordination with the Office of General Counsel. Reports of violations shall be prepared and submitted through the Office of General Counsel to the Department of Laber in accordance with § 1–12.604(e).

Subpart 5A–12.8—Equal Opportunity in Employment

§ 5A–12.800 Scope of subpart.

This subpart implements and supplements Subpart 1–12.8, Equal Opportunity in Employment (which implements the rules and regulations of the Secretary of Labor, 41 CFR 60–1); implements the September 27, 1971, Order of the Secretary of Labor (36 F.R. 19307, October 2, 1971) regarding the validation of employment tests by contractors and subcontractors; and sets forth the GSA Contractor Equal Employment Opportunity Program procedures and requirements regarding Government contracts.

§ 5A–12.803 Basic requirements.

§ 5A–12.803–2 Equal Opportunity clause.

(a) Executive Order 11246 dated September 24, 1965 (30 F.R. 12319), as amended by Executive Order 11375 dated October 13, 1967 (32 F.R. 14303), on equal employment opportunity provides for the inclusion of a clause pertaining to equal opportunity in each Government contract unless the contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor. The clause prescribed for use is set forth in § 1–12.803–2.

(b) The following contract forms used by GSA contain the Equal Opportunity clause:

(1) Standard Form 2–A, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property (May 1970 edition), as prescribed by § 1–16.601(b).

(2) Standard Form 23–A, General Provisions (Construction Contract) (October 1969 edition), as prescribed by § 1–16.401(h).

(3) Standard Form 32, General Provisions (Supply Contract) (November 1969 edition), as prescribed by § 1–16.101(c).

(4) GSA Form 1714, Equal Opportunity Clause (February 1969 edition). This form (illustrated at § 5–16.950–1714) is a preprinting of the Equal Opportunity clause which may be incorporated by attachment in invitations for bids and requests for proposals where Standard Forms 23–A or 32 are not used.

(5) Government Bills of Lading. Section 1–12.803–7 provides that inclusion of the Equal Opportunity clause in Government bills of lading may be by reference. Comptroller General Decision B–109776 dated November 4, 1968, provides that the incorporation of the Equal Opportunity clause by reference shall be by inclusion of a provision on the Government bill of lading form (see Condition 9 on the back of the form) as follows:

"The nondiscrimination clause contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated herein."

Government bills of lading forms which contain a Condition 9 based on Executive Orders 10925, 11114, or 11246 may be used until existing stocks are exhausted without modification of the condition.

(6) Commercial bills of lading. The reference to the Equal Opportunity clause prescribed in § 53–12.803–2(b)(5) for use in standard Government bills of lading shall also be incorporated by attachment or reference in each of the following:

(i) Commercial bills of lading which are to be converted to Government bills of lading; and

(ii) Commercial bills of lading (including GSA Form 1642, Straight Bill of Lading-Domestic) when they cover the transportation of property of the United States Government or when the transportation charges will be paid by the Government, either directly to the carrier or to the contractor when the transportation charges are listed separately on the invoice for the property.

(7) Standard Form 253, General Provisions (Architect-Engineer Contract) (August 1970 edition); contains the Equal Employment Opportunity clause modified to read "Architect-Engineer" wherever the word "Contractor" appears in the clause set forth in § 1–12.803–2.

§ 5A–12.803–9 Notice to bidders regarding preaward equal opportunity compliance reviews.

A notice of preaward equal opportunity compliance review for inclusion in invitations for bids and requests for proposals which may result in an award of a nonconstruction contract of $1 million or more is required by § 1–12.803–9.

§ 5A–12.803–50 Equal opportunity representation.

A statement by the bidder or offeror as to whether he has participated in any previous contract or subcontract subject to the Equal Opportunity clause (see § 1–12.805–4(b)) is included in Standard Form 33, Solicitation, Offer, and Award (November 1969 edition).

§ 5A–12.804 Exemptions.

§ 5A–12.804–1 General.

Contracts and subcontracts exempt from the requirements of the Equal Opportunity clause are covered in § 1–12.804–1.

§ 5A–12.804–2 Specific contracts.

Requests for exemption from use of the Equal Opportunity clause for specific contracts or categories of contracts initiated by service or staff offices shall be submitted with a complete written justification to the Office of Civil Rights.

§ 5A–12.804–3 Facilities not connected with contracts.

Requests by GSA contractors and subcontractors for exemption from the Equal Opportunity clause of facilities not involved in the performance of Government contracts shall be submitted with a complete written justification to the GSA contracting officer for consideration and transmittal to the Office of Civil Rights.

§ 5A–12.805 Administration.

§ 5A–12.805–1 Duties of agencies.

(a) *GSA responsibility.* GSA is primarily responsible for obtaining compliance of contractors and subcontractors (for which it is the compliance agency) with the requirements of the equal opportunity program.

(b) *Designations.*

(1) The GSA Contract Compliance Officer is the Director, Office of Civil Rights (hereafter referred to as the Contract Compliance Officer).

(2) The GSA Deputy Contract Compliance Officer is the Deputy Director, Office of Civil Rights (Compliance) (hereafter referred to as the Deputy Contract Compliance Officer).

(3) GSA Assistant Contract Compliance Officers are the professional staff personnel of the Contract Compliance Staff, Office of Civil Rights (hereafter referred to as Assistant Contract Compliance Officers). Assistant Contract Compliance Officers are located in the Central Office and in each regional office.

(c) *Procedures before award of contracts.* The following procedures shall be employed in connection with the award of contracts. Except for paragraphs (c)(2)(i), (c)(2)(ii), (c)(2)(iii), (c)(2)(v), (c)(2)(vi), (c)(3)(i), (c)(3)(v), (c)(3)(vi), (c)(4), and (c)(5), the procedures may be waived when the contracting officer determines with the approval of the appropriate Commissioner and the Deputy Director, Office of Civil Rights (Contract Compliance), that the time limitations of a particular procurement will not permit their application, and further, provided that notice of such intention to waive the procedures is furnished at least 48 hours in advance to the Administrator and to the Director of Civil Rights. If the Administrator does not oppose the waiver, the Director of Civil Rights shall forward a copy of the notice to the Director, Office of Federal Contract Compliance.

(1) *$10,000 and under.* The contracting officer is not required to obtain equal opportunity representations or certifications of nonsegregated facilities or to evaluate the ability of prospective contractors to comply with the Equal Opportunity clause where contracts are $10,000 and under unless the normal exemption of such contracts from the applicability of the equal opportunity program has been withdrawn by the Director, OFCC. In the event of a withdrawal, a review shall be made as

provided in paragraph (c)(2) of this section.

(2) *Over $10,000 but not over $100,000.* The contracting officer, with respect to all nonexempt contracts over $10,000 but not over $100,000, shall determine whether the prospective contractor:

(i) Has executed the required Equal Opportunity representations affirmatively regarding the submission of compliance reports (see § 1–12.805–4(b)(1)) and the development and maintenance of affirmative action programs (see § 5A–12.810(c));

(ii) Has executed the Certification of Nonsegregated Facilities;

(iii) Has been debarred by reason of noncompliance with the Equal Opportunity clause;

(iv) Requires an evaluation of his ability to comply with the Equal Opportunity clause. When such an evaluation is required the appropriate Assistant Contract Compliance Officer shall be requested to obtain an evaluation based on currently available information and to inform the contracting officer of his views regarding the ability of the contractor to comply with the Equal Opportunity clause;

(v) Is able to comply with the provisions of the Equal Opportunity clause based on (i) through (iv) of paragraph (c)(2), above (where the waiver provision in paragraph (c) has been invoked, the provisions of paragraph (c)(2)(iv) need not be applied); and

(vi) Is a responsible contractor insofar as the equal opportunity program is concerned, based on (i) through (v) of paragraph (c)(2), above. However, if the waiver provision in paragraph (c) has been invoked, the provisions of paragraph (c)(2)(iv) need not be applied.

(3) *Over $100,000.* The contracting officer, with respect to all nonexempt contracts over $100,000, shall:

(i) Follow the procedures prescribed by paragraphs (c)(2)(i), (c)(2)(ii), and (c)(2)(iii) of this section:

(ii) Notify the appropriate Assistant Contract Compliance Officer as follows:

(A) The impending award of each non-exempt contract;

(B) Name and address of the prospective prime contractor;

(C) The date of expiration of bids;

(D) Anticipated time of performance;

(E) Whether the prospective prime contractor has, or has not, had any contracts subject to an Equal Opportunity (or Nondiscrimination) clause and filed all required compliance reports; and

(F) Whether the prospective prime contractor has agreed that representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards.

(iii) Request the Assistant Contract Compliance Officer to do the following:

(A) Review the compliance status of the prospective prime contractor and the subcontractors on the basis of information currently available to GSA and compliance agencies. Compliance agencies shall not be requested to conduct special compliance reviews for the purpose of satisfying the review requirement of this paragraph, unless there are specific reasons to believe that the prospective contractor may not be able to comply with the Equal Opportunity clause;

(B) Arrange for preaward conferences, as necessary, and negotiate an agreement with the prospective prime contractor providing for the elimination of deficiencies;

(C) Notify the contracting officer that the prospective prime contractor has, or has not, agreed to take action to correct deficiencies and provide the contracting officer with the text of the agreement, if any, and a list of any unresolved deficiencies;

(D) Inform the contracting officer of his recommendations regarding the ability of the contractor to comply with the Equal Opportunity clause; and

(E) Notify prospective prime contractors of any unresolved deficiencies.

(iv) Direct prospective prime contractors to meet with Assistant Contract Compliance Officers to negotiate agreements providing for the elimination of unresolved deficiencies;

(v) Determine whether a prospective contractor is able to comply with the requirements of the Equal Opportunity clause (where the waiver provision in paragraph (c) has been invoked, the provisions of paragraphs (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) need not be applied); and

(vi) Determine whether the prospective contractor is a responsible contractor insofar as the equal opportunity program is concerned, and the determination shall include consideration of the findings and determinations of the Assistant Contract Compliance Officer. However, if the waiver provision in paragraph (c) has been invoked, the provisions of pargraphs (c)(3)(ii), (c)(3)(iii), and (c)(3)(iv) need not be applied.

(4) *Supply contracts over $1 million.* The contracting officer with respect to supply contracts which may exceed $1 million, shall:

(i) Follow the procedures in § 5A–12.805–1(c)(2)(i), (ii), and (iii);

(ii) Request the Assistant Contract Compliance Officer to provide for preaward compliance reviews as required by §§ 1–12.803–9 and 5A–12.805–5(b);

(iii) After reviewing the recommendations of the Assistant Contract Compliance Officer, determine whether the prospective prime contractor (and his subcontractors subject to the review) are able to comply with the Equal Opportunity clause or carry out an acceptable program for compliance; and

(iv) Determine whether the prospective contractor is a responsible contractor insofar as the equal opportunity program is concerned, and the determination shall include consideration of the findings and determinations of the Assistant Contract Compliance Officer.

(d) *Reports on contractor deficiencies.* Assistant Contract Compliance Officers shall forward reports to the contracting officer and to the Deputy Contract Compliance Officer regarding the actions taken with respect to the deficiencies of prospective contractors.

(e) *Written statements.* Where deficiencies are found to exist, Assistant Contract Compliance Officers will obtain a written statement from the prospective contractor regarding the actions that will be taken to bring him into compliance.

§ 5A–12.805–4 Reports and other required information.

(a) Each nonexempt contractor and subcontractor shall file, or already have filed prior to award, information reports in accordance with § 1–12.805–4 and the printed instructions (except as provided in (b) of this § 5A–12.805–4) on Standard Form 100, Equal Employment Opportunity Employer Information Report EEO–1. In addition, such contractors and subcontractors may be required, prior to award, to furnish such other information regarding their equal employment opportunity policies and procedures as may be required by the Contract Compliance Officer (or his deputy or assistants).

(b) If a nonexempt prospective prime contractor or subcontractor has not filed a Standard Form 100 as required, the contracting officer shall supply such contractors with copies of the forms for completion and return to the contracting officer, in addition to complying with the requirements of (a), above. Contractors shall be instructed to submit a copy of the Standard Form 100 directly to the contracting officer, in order to expedite the determinations of their ability to comply with the provisions of the Equal Opportunity clause.

(c) Upon receipt of the Standard Form 100, the contracting officer shall forward it to the appropriate Assistant Contract Compliance Officer for review and recommendations regarding the prospective contractor's ability to comply with the provisions of the Equal Opportunity clause.

(d) The Assistant Contract Compliance Officer shall retain a copy of the Standard Form 100 for his own files.

(e) The Assistant Contract Compliance Officer may request a contractor or subcontractor to furnish a copy of any Standard Form 100 previously filed by the contractor or subcontractor.

(f) Standard Form 100 shall be submitted to GSA by the contractor within 30 days after the award of the contract, and by each subcontractor subject to the reporting requirement within 30 days after the award of each subcontract, if:

(1) A complete Standard Form 100 has not been submitted within 12 months preceding the date of the contract award (prime or sub); and

(2) The contractor and subcontractors concerned are employers within the definition of "employer" of the instructions to the information report, Standard Form 100.

§ 5A–12.805–5 Compliance reviews.

(a) *Definition.* A compliance review (see § 1–12.805–5) is a review designed to determine whether a prime contractor or subcontractor (also a specified prospective prime or subcontractor) maintains nondiscriminatory hiring and em-

ployment practices and is taking affirmative action to insure that employees are placed, trained, upgraded, promoted, and otherwise treated during employment without regard to race, color, religion, sex, or national origin (see § 5A–12.805–51). Further, it is a review (including a complete listing of positions in order of progression sequence, rates of pay, and the number of incumbents by race and sex) to determine if there is any significant difference between the pattern of employment, utilization, and other opportunities enjoyed by minorities and women and those enjoyed by other members of the workforce. In addition, the review includes an analysis of the recruitment, hiring, placement, training, promotion, demotion, and other practices as appropriate for the purpose of determining if any significant differences disclosed are the result of and/or are being perpetuated by the contractor's employment practices. The review also includes an examination of the contractor's affirmative action program to determine if the contractor has eliminated all practices that create or tend to perpetuate discrepancies between minorities and women and others in the employment, utilization, and other opportunities and has instituted measures to correct employment conditions that are the result of these practices.

(b) *When required.* Compliance reviews are required as follows:

(1) Once each calendar year during the performance of any contract exceeding $100,000 where GSA is the compliance agency;

(2) In accordance with the procedures of the compliance agency where GSA is not the compliance agency;

(3) Within the 12 months period preceding the award of any nonconstruction contract exceeding $1 million, GSA shall conduct the review where it is the compliance agency and shall provide awarding agencies with reports within 30 days. Where GSA is not the compliance agency, the Assistant Contract Compliance Officer shall request the compliance agency to make the review;

(4) When requested by the Assistant Contract Compliance Officer;

(5) Preceding the award of any contract, or the approval of any subcontract, when requested by the Director, OFCC (see § 1–12.805–11(a)); and

(6) When otherwise requested by the Director, OFCC.

(c) *Conduct of compliance reviews by GSA.*

(1) *Responsibilities.* Compliance reviews (and follow-ups as appropriate) shall be conducted by the Assistant Contract Compliance Officer pursuant to schedules and priorities established by the Deputy Contract Compliance Officer. Advance arrangements shall be made with the contractor or subcontractor to establish a definite date and time for visiting the facilities involved. GSA Form 1950–B (Form Letter—Equal Employment Opportunity Program Review) (see § 5A–16.950–1950–B), addressed to the contractor, shall be utilized for this purpose. If time is of the essence, advance arrangements may be made by telephone.

(2) *Procedures.* Except as otherwise provided by the rules, regulations, and orders of the Secretary of Labor, compliance reviews shall be conducted, as follows:

(i) GSA Form 1953, Nondiscrimination Survey of Government Contractor (see § 5A–16.950–1953), shall be completed in conducting a compliance review. Copies of GSA Form 1953 shall be furnished to the Assistant Contract Compliance Officer, the contracting officer, and the Deputy Contract Compliance Officer. The completion of GSA Form 1953 is considered to be the minimum acceptable standard for conducting the survey and whenever possible shall be supplemented with a narrative report covering items not provided for in the form;

(ii) Where deficiencies are found to exist, reasonable efforts shall be made to secure compliance through conciliation, mediation, and persuasion during the 30-day show cause period prescribed by Section 60–2.2 of the rules and regulations of the Secretary of Labor;

(iii) A specific time in which to correct deficiencies shall be stipulated;

(iv) The Assistant Contract Compliance Officer conducting the review shall make recommendations to the contractor or subcontractor designated to correct deficiencies in equal opportunity policies and practices. Deficiencies and recommendations for their correction shall be reported on GSA Form 1953 or as attachments thereto. Such recommendations may include, but are not limited to, elimination of segregated facilities, improvement of recruitment techniques, promulgation and dissemination of program policies, preparation of plans to merge functionally related but racially segregated lines of progression and preparation of plans to remedy the effects of all other discriminatory employment policies. Any refusal on the part of a contractor or subcontractor to correct deficiencies shall be fully reported;

(v) Before a contractor or subcontractor having deficiencies can be found to be in compliance, he must make a specific commitment, in writing, to correct such deficiencies within a reasonable period of time and describe the precise action that will be taken;

(vi) Notification of a contractor or subcontractor of his compliance posture shall be made by the Assistant Contract Compliance Officer. The notification shall be given after consideration of all data available, including reports relating to all of the facilities of a contractor or subcontractor (see § 1–12.805–4), and after coordinating with the contracting officer;

(vii) A multifacility contractor or subcontractor may have some facilities where equal opportunity is practiced and other facilities where it is not. When this situation prevails, the contractor or subcontractor shall not be deemed to be in compliance;

(viii) Contractor compliance with the affirmative action program requirements of § 1–12.810 shall be ascertained during the review;

(ix) Recommendations for sanctions, where deemed appropriate, shall be made by the Assistant Contract Compliance Officer to the Contract Compliance Officer; and

(x) Schedules of compliance reviews and the compliance review reports shall be furnished to the Director, OFCC, by the Deputy Contract Compliance Officer.

§ 5A–12.805–6 Complaints.

(a) *Initiation.* Complaints received by GSA that pertain to the GSA program under the Equal Opportunity clause shall be referred to the Office of Federal Contract Compliance by the Deputy Director of Civil Rights (Contract Compliance) to be handled and processed in accordance with the Memorandum of Understanding between the Office of Federal Contract Compliance and the Equal Employment Opportunity Commission dated May 20, 1970. When such complaints are referred back to GSA in accordance with the Memorandum of Understanding they shall be handled in accordance with §§ 1–12.805–6 and 1–12.805–7.

(b) *Investigation.* If GSA is the compliance agency, the Contract Compliance Officer (or his deputy) shall have the complaint investigated and a complete case record developed as provided in § 1–12.805–7(b). The investigation shall include, where appropriate, a review of the pertinent personnel practices and policies of the contractor or subcontractor (see § 5A–12.805–51), the circumstances under which the alleged discrimination occurred, and other relevant factors. Within 30 days after the complaint, the case record and summary report shall be submitted to the Contract Compliance Officer with a copy to the Assistant Contract Compliance Officer.

(c) *Evaluation and further action.* The Contract Compliance Officer (or his deputy) shall determine whether there has been any violation of the Equal Opportunity clause. If additional facts are required, further investigation shall be requested.

(d) *Reports to the Director, OFCC.* Within 60 days from the receipt of a complaint, the Contract Compliance Officer (or his deputy) shall forward the case record and summary report to the Director, OFCC, as provided in § 1–12.805–7(d)(1).

(1) If it is determined that no violation has occurred, and the Office of Federal Contract Compliance concurs with the summary report, the persons concerned shall be notified of such findings by the Contract Compliance Officer (or his deputy) and the case shall be closed. If the Director, OFCC, does not concur, the Contract Compliance Officer (or his deputy) shall take such action as the Director may direct.

(2) If it is determined that there has been an apparent violation of the Equal Opportunity clause, the Contract Compliance Officer (or his deputy or assistants) shall attempt to resolve the complaint by informal means. If the complaint cannot be resolved by informal

means within 30 days, the firm complained against shall be given a hearing pursuant to § 1–12.807, if requested.

§ 5A–12.805–9 Sanctions and penalties.

Sanctions and penalties shall be employed as provided in § 1–12.805–9. Recommendations for sanctions and penalties shall be proposed by the Deputy Contract Compliance Officer (or an Assistant Contract Compliance Officer or hearing officer through the Deputy Contract Compliance Officer) and submitted to the Contract Compliance Officer for consideration. The Contract Compliance Officer, as appropriate, shall act on the recommendation as follows: (a) Direct that a hearing be held, if requested; (b) accept or reject the recommendation where a hearing has not been requested; and (c) accept or reject the recommendation following a hearing. Where a recommendation is accepted, it shall be forwarded to the Director, OFCC, for approval when required by § 1–12.805–9(a)(2). Referrals to the Department of Justice are subject to the provisions of § 1–12.805–9(d).

§ 5A–12.805–50 Ability to comply with the Equal Opportunity clause.

(a) Contracting officers are responsible for obtaining required clearances and determining whether a bidder is able to comply with the provisions of the Equal Opportunity clause. Where equal employment opportunity compliance reviews or complaints have been processed pursuant to this Subpart 5A–12.8 regarding any contractor or subcontractor, the contracting officer shall coordinate with the Assistant Contract Compliance Officer before making his determination regarding a prospective contractor's ability to comply with the Equal Opportunity clause.

(b) Where a prospective contractor appears on the list of bidders, as set forth in § 5A–12.805–50(c), contracting officers shall, prior to award, request the Assistant Contract Compliance Officer to review the ability of the bidder to comply with the Equal Opportunity clause.

(c) The Contract Compliance Officer (or his deputy) shall develop and furnish contracting officers, through the respective Assistant Contract Compliance Officers, with a list of firms or individuals who, because of questionable ability to comply with the provisions of the Equal Opportunity clause, require special consideration before contracts are awarded. This list shall be administered by the Contract Compliance Officer (or his deputy) as part of the review list of bidders established pursuant to § 5A–1.1310–50.

(d) In order to supplement compliance reviews, regional Quality Control Divisions, FSS, will, as requested by the Assistant Contract Compliance Officer, during preaward plant facilities surveys or contract administration visits, review the progress made by the contractor in implementing affirmative action to correct previously reported deficiencies. As a result of plant visits, the quality control representatives will report pertinent information concerning the contractor's equal employment opportunity posture, such as:

(1) Changes observed in employment patterns or practices;

(2) Evidence of segregation of facilities;

(3) Displays of equal employment opportunity notices and posters;

(4) Changes in subcontractors since award of the contract;

(5) Subcontractors meeting the criteria of the rules and regulations of the Secretary of Labor who have not been advised by the contractor of the requirement for filing the Standard Form 100, Employer Information Report, with the Office of Federal Contract Compliance;

(6) Additional information requested by the Assistant Contract Compliance Officer; and

(7) Civil disturbances strikes, and evidence of minority group dissatisfaction.

Information developed by Quality Control Divisions shall be documented on GSA Form 2194 and forwarded to the contracting officer and the Assistant Contract Compliance Officer.

§ 5A–12.805–51 Equal opportunity considerations.

(a) *General.* The procedures employed by a contractor in connection with recruitment, hiring, training, job assignment, and promotion are major considerations in determining if discrepancies in employment and utilization of minorities and women are the result of discrimination and the failure to take affirmative action and in determining the contractor's ability to comply with the provisions of the Equal Opportunity clause.

(b) *Recruitment practices.* (1) All applicants for employment, regardless of race, color, religion, sex, or national origin, should receive equal consideration for all available jobs in accordance with equal qualification standards.

(2) Contractor standards for minority group and women applicants should be no more stringent than for others and minority group and women applicants should be considered for all types of jobs.

(3) Applications for employment should be objectively solicited from recruitment sources which reach all members of the community regardless of race, color, religion, sex, or national origin; e.g., advertising as an equal opportunity employer through newspapers and other public news media (see § 1–12.813).

(4) Contractors should take all actions necessary to insure that there are no barriers to the employment of minority group members and women. Such action should include, where necessary, positive steps to convince minority groups and women in the community that the contractor does provide equal opportunity. In this connection, effective communication with minority group and women's organizations, Fair Employment Committees in the community, and schools and colleges attended by minority group members should be developed.

(5) Contractors should employ procedures for handling of applicants that are compatible with equal employment opportunity. In this regard employee referrals or "walk-ins" require particular attention since these recruitment procedures are most susceptible to discrimination. Employees tend to refer friends from their own racial and ethnic backgrounds and of their own sex and, therefore, if few minority group and women workers are already employed, few minority group and women applicants are likely to be referred. With regard to "walk-ins," the entire recruitment program is strongly dependent upon the attitudes of guards and receptionists and can thus be easily frustrated.

(c) *Hiring and initial placement.* The hiring process involves three distinct operations, namely, completion of formal applications, determination of applicants' qualifications, and a determination whether to hire the applicant. Equal opportunity procedures should reflect the following:

(1) Absence of any qualifications based on race, color, religion, sex, or national origin;

(2) Administration of qualification tests fairly and without regard to race, color, religion, sex, or national origin (see § 5A–12.850);

(3) Absence of special tests for minority groups only, except for special tests designed to facilitate, rather than exclude, employment of members of minority groups; and

(4) Objective qualification standards reasonably related to the skill and promotional requirements of the contractor.

(d) *Other practices.* (1) It is possible for an employer to have a high percentage of minority group and women employees in his total work force but have the greatest number of the group assigned to duties in the lower skills. This situation may be the result of discriminatory placement or promotion policies, segregated lines of progression in the facility, or any collective bargaining arrangements impeding the movement of minority employees (see Standard Form 100 with particular attention to any attachment indicating dual local unions; i.e., two local unions of the same international union listed as bargaining units). Very often where there are dual local unions they are racially and sexually segregated. Experience has demonstrated that where racially and sexually segregated local unions exist, segregated progression lines and a system of racially and sexually reserved positions also exist.

(2) A contractor shall not be deemed to be in compliance if he maintains facilities having racially and sexually segregated lines of progression, racially and sexually reserved positions, departments or divisions, separate seniority lists, or racially segregated facilities (see § 1–12.803–10).

(3) Segregation or denial of equal employment opportunity by reason of collective bargaining agreements shall not be deemed to relieve a contractor of his equal opportunity obligations.

(4) Compliance requires that contractors eliminate racially segregated facilities, merge functionally related but racially and sexually segregated lines of progression, reconstitute seniority lists, districts, and lines on a nondiscriminatory basis, provide equal promotion, progression, and transfer opportunities based on nondiscriminatory qualifications alone, even to the extent of renegotiating collective bargaining agreements.

(5) Reviews should include consideration of the contractor's organizational structure, payrolls, wage rates, personnel instructions, procedures and guidelines, promotional lists and rules, job descriptions and methods of job classification, seniority lists, recall lists, and collective bargaining agreements.

(6) Management controls are indicators of ability to comply. A contractor who has formulated and disseminated a firm policy on equal opportunity throughtout his entire organization, designated a responsible official for implementation of the policy, and instituted a system of control and evaluation of the program usually can effect equal employment opportunity. On the other hand, in those instances where there is no such policy and program, no fixed responsibility and no feedback and evaluation, the possibility of coming into compliance is diminished.

(7) When dealing with prospective construction and repair contractors, contracting officers should be aware of local trades and crafts that historically have discriminated and maintained exclusionary policies. In this connection, consideration should be given to having contractors require their subcontractors to do more than obtain written assurances that their sources of recruitment hire on a nondiscriminatory basis. Contractors and subcontractors have found it necessary to locate qualified minority group individuals and refer them to their appropriate sources as apprentices or journeymen. Most construction craft collective bargaining agreements afford the contractor or subcontractor an opportunity to employ individuals for limited periods of time (7 days to 30 days) who are not members of the bargaining unit before offering such individuals for membership. Contractors or subcontractors should be directed to exercise this right where necessary to insure an integrated work force on GSA construction and repair projects. In addition, the contractor's or subcontractor's equal opportunity programs should include encouragement of local labor organizations to demonstrate evidence of their equal opportunity policy as recited in written assurances.

(8) The provisions of this subparagraph (d) are intended to complement the rules, regulations, and orders of the Secretary of Labor as set forth in OFCC Order No. 14 and the Compliance Officer's Manual.

§ 5A–12.805–52 [Reserved]

§ 5A–12.805–53 Compliance agency.

The Office of Federal Contract Compliance, Department of Labor, has assigned compliance agency responsibility according to Standard Industrial Classification Codes (SIC). The SIC assignments for GSA are as follows:

SIC Code	*Industry*
08	Forestry.
24	Lumber and wood products, except furniture.
25	Furniture and fixtures.
26	Paper and allied products.
48	Communications.
49	Electric, gas, and sanitary services.
509	Miscellaneous durable goods.
53	General merchandise stores.
57	Furniture, home furnishings, and equipment stores.
58	Eating and drinking places.
59	Miscellaneous retail.
65	Real estate.
67	Holding and other investment offices.
72	Personal services.
73	Business services.
75	Automobile repair, services, and garages.
76	Miscellaneous repair services.
78	Motion pictures.
79	Amusement and recreation services, except motion pictures.

GSA shall be solely responsible for the facilities assigned. Determination by GSA as to a facility's compliance with the Executive order shall, subject to OFCC approval, apply to all Federal agencies. No contracting agency shall initiate conciliation discussions or resolve deficiencies with any of the facilities assigned to GSA without first notifying the OFCC and without the participation of GSA. Problems related to GSA compliance agency assignments shall be referred to the Deputy Contract Compliance Officer for resolution with OFCC and other agencies, as appropriate.

§ 5A–12.805–54 Furnishing information to contractors.

Contracting officers, when mailing contract documents to contractors that are subject to the Equal Opportunity clause, shall include appropriate information explaining the contract requirements concerning submission of Employer Information Report forms, notices to labor unions or other organizations of workers, and use of required posters (see § 1–12.805–3). GSA Form 1950, Transmittal Letter, may be used to transmit contract awards that the subject to the Equal Opportunity clause (see § 5A–16.–950–1950).

§ 5A–12.807 Hearings.

§ 5A–12.807–1 General.

Section 1–12.807–1 sets forth the four principal conditions under which a formal hearing shall be afforded to a prime contractor or subcontractor by the Contract Compliance Officer. Generally, informal hearings are convened for the purpose of determining compliance by a prime contractor or subcontractor with the terms of the Equal Opportunity clause.

§ 5A–12.807–2 Informal hearings.

The Contract Compliance Officer has designated Assistant Contract Compliance Officers to conduct informal hearings regarding contractual matters in which they are involved. Informal hearings shall be conducted in accordance with § 1–12.807–2(c).

§ 5A–12.807–3 Formal hearings.

(a) Formal hearings shall be conducted by the Contract Compliance Officer.

(b) Hearings shall be conducted (to the extent consistent with § 1–12.807) in accordance with the rules of the General Services Administration Board of Contract Appeals, as set forth in Subpart 5–60.2. When those rules are employed, pursuant to the provisions of this paragraph (b), references to the Board shall be deemed to be references to the Contract Compliance Officer (or his designee).

(c) Assistant Contract Compliance Officers, contracting officers, and other GSA personnel shall participate as may be appropriate.

§ 5A–12.810 Affirmative action compliance programs.

(a) Assistant Contract Compliance Officers shall determine whether contractors (for which they are cognizant) have established affirmative action compliance programs as required by § 1–12.810. Disagreements between an Assistant Contract Compliance Officer and a contractor shall be referred to the Contract Compliance Officer or his deputy. If the disagreement is not resolved, it is subject to § 1–12.805–10.

(b) The contractor's affirmative action program should be tailored to meet the problems disclosed in compliance reviews. It should contain documentation of the elimination of deficient employment practices and policies and specific steps, including goals and timetables, for the full and effective utilization of minority manpower.

(c) In addition to the representation prescribed by § 1–12.805–4(b)(1), each bidder or prospective prime contractor shall be required to state in his bid, or in writing at the outset of negotiations for the contract, whether he has developed and has on file at each establishment affirmative action programs pursuant to the rules and regulations of the Secretary of Labor. The statement required shall be in the form of a representation by the bidder or offeror substantially as follows:

> The bidder (or offeror) represents that (1) he [ ] has developed and has on file, [ ] has not developed and does not have on file, at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor (41 CFR 60–1 and 60–2), or (2) he [ ] has not previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor. (The above representation need not be submitted in connection with contracts or subcontracts which are exempt from the clause.)

As provided in § 1–12.805–4(b)(1), where a bidder or offeror fails to execute the representation, the omission shall be considered a minor informality and the bidder or offeror shall be permitted to satisfy the requirement prior to award.

§ 5A–12.812 Rulings and interpretations.

The Contract Compliance Officer (or his deputy) shall advise Assistant Contract Compliance Officers and contracting officers of any rulings and interpretations of the Secretary of Labor or his designee.

§ 5A–12.850 Validation of employment tests.

(a) This section sets forth policies and procedures regarding the validation of Employment tests by contractors and subcontractors subject to the provisions of Executive Order 11246, as amended, as required by the September 27, 1971, order of the Secretary of Labor (41 CFR 60–3, 36 FR 19307).

(b) The term "test" is defined as any paper-and-pencil or performance measure used as a basis for any employment decision. This definition includes, but is not restricted to, measures of general intelligence, mental ability and learning ability; specific intellectual abilities; mechanical, clerical, and other aptitudes; dexterity and coordination; knowledge and proficiency; occupational and other interests; and attitudes, personality, or temperament. The term "test" also covers all other formal, scored, quantified, or standardized techniques of assessing job suitability including, for example, personal history and background requirements which are specifically used as a basis for qualifying or disqualifying applicants or employees, specific educational or work history requirements, scored interviews, biographical information blanks, interviewers' rating scales and scored application forms. The term "test" shall not include other selection techniques discussed in § 5A–12.850–8.

§ 5A–12.850–2 General.

(a) Properly validated and standardized employee selection procedures can significantly contribute to the implementation of nondiscriminatory policies, as required by Executive Order 11246, as amended. Professionally developed tests, when used in conjunction with other tools of personnel assessment and complemented by sound programs of job design, may significantly aid in the development and maintenance of an efficient work force and aid in the utilization and conservation of human resources generally. In many cases, contractors have come to rely almost exclusively on tests as the basis for making the decision to hire, promote, transfer, train, or retain with the result that candidates are selected or rejected on the basis of test scores. Where tests are so used, minority candidates frequently experience disproportionately high rates of rejection by failing to attain score levels that have been established as minimum standards for qualification.

(b) In many instances contractors are using tests as the basis for employment decisions without evidence that they are valid predictors of employee job performance. Where evidence in support of presumed relationships between test performance and job behavior is lacking, the possibility of discrimination in the application of test results must be recognized. A test lacking demonstrated validity, i.e., having no known significant relationship to job behavior, and yielding lower scores for classes protected by Executive Order 11246, as amended, may result in the rejection of many who have necessary qualifications for successful work performance.

(c) This section is designed to serve as a set of standards for contractors and subcontractors subject to Executive Order 11246, as amended, in determining whether their use of tests conforms with the requirements of the executive order.

§ 5A–12.850–2 Evidence of validity.

(a) Contractors using tests to select from among candidates for hire, transfer, promotion, training, or retention shall have available for inspection evidence that the test is being used in a manner which does not violate § 5A–12.850–9(c).

(b) Where technically feasible, a test should be validated for each minority group with which it is used; that is, any differential rejection rates that may exist, based on a test, must be relevant to performance on the jobs in question.

(c) The term "technically feasible" as used in paragraph (b) of this subsection and elsewhere in this section means having or obtaining a sufficient number of minority individuals to achieve findings of statistical and practical significance, or having the opportunity to obtain unbiased job performance criteria. It is the responsibility of the persons claiming absence of technical feasibility to demonstrate evidence of this absence.

(d) Evidence of a test's validity should consist of empirical data demonstrating that the test is predictive of or significantly correlated with important elements of work behavior which comprise or are relevant to the job or jobs for which candidates are being evaluated.

(e) The presentation of the results of a validation study must include statistical and, where appropriate, graphic representations of the relationships between the test and the criteria, permitting judgments of the test's utility in making predictions of future work behavior.

§ 5A–12.850–3 Minimum standards for validation.

Empirical evidence in support of a test's validity must be based on studies employing generally accepted procedures for determining criterion-related validity, such as those described in "Standards for Educational and Psychological Tests and Manuals," published by the American Psychological Association, 1200 17th Street, NW, Washington, D.C. 20036. Evidence of content or construct validity, as defined in that publication, may also be appropriate where criterion-related validity is not feasible. Although any appropriate validation strategy may be used to develop such empirical evidence, the following minimum standards, as applicable, must be met in the research approach and in the presentation of results which constitute evidence of validity:

(a) Where a validity study is conducted in which tests are administered to applicants, with criterion data collected later, the sample of subjects must be representative of the normal or typical candidates group for the job or jobs in question. This further assumes that the applicant sample is representative of the minority population available for the job or jobs in question in the local labor market. Where a validity study is conducted in which tests are administered to present employees, the sample must be representative of the minority groups currently included in the applicant population.

(b) Tests must be administered and scored under controlled and standardized conditions, with proper safeguards to protect the security of test scores and to insure that scores do not enter into any judgments of employee adequacy that are to be used as criterion measures.

(c) The work behaviors or other criteria of employee adequacy which the test is intended to predict or identify must be fully described; and, additionally, in the case of rating techniques, the appraisal forms and instructions to the raters must be included as a part of the validation evidence. Such criteria may include measures other than actual work proficiency, such as training time, supervisory ratings, regularity of attendance, and tenure. Whatever criteria are used they must represent major or critical work behaviors as revealed by careful job analyses.

(d) In view of the possibility of bias inherent in subjective evaluations, supervisory rating techniques should be carefully developed, and the ratings should be closely examined for evidence of bias. In addition, minorities or women might obtain unfairly low performance criterion scores for reasons other than supervisors' prejudice, as, when, as new employees, they have had less opportunity to learn job skills.

(e) Data must be generated and results separately reported for minority and nonminority groups wherever technically feasible. Where a minority group is sufficiently large to constitute an identifiable factor in the local labor market, but validation data have not been developed and presented separately for that group, evidence of satisfactory validity based on other groups will be regarded as only provisional compliance with this order pending separate validation of the test for the minority group in question. A test which is differentially valid may be used in groups for which it is valid but not for those in which it is not valid. In this regard, where a test is valid for two groups but one group characteristically obtains higher test scores than the other without a corresponding difference in job performance, test results must be applied so as to predict the same probability of job success in both groups.

§ 5A–12.850–4 Employment agencies and State employment services.

Contractors utilizing the services of any private employment agency, State

employment agency or any other person, agency, or organization engaged in the selection or evaluation of personnel which makes its selections or evaluations of personnel wholly or partially on the basis of the results of any test shall have available evidence that any test used by such person, agency, or organization is in conformance with the requirements of this section.

§ 5A–12.850–5 Use of validity studies.

In cases where the validity of a test cannot be determined pursuant to § 5A–12.850–3 (e.g., the number of subjects is less than that required for a technically adequate validation study, or an appropriate criterion measure cannot be developed), evidence from validity studies conducted in other organizations, such as that reported in test manuals and professional literature, may be considered acceptable when: (a) The studies pertain to jobs which are comparable (i.e., have basically the same task elements), and (b) there are no major differences in contextual variables or sample composition which are likely to significantly affect validity.

§ 5A–12.850–6 Assumptions of validity.

(a) The general reputation of a test, its author or its publisher, or casual reports of test utility will not be accepted in lieu of evidence of validity. Specifically ruled out are: Assumptions of validity based on test names or descriptive labels; all forms of promotional literature; data bearing on the frequency of a test's usage; testimonial statements of sellers, users, or consultants; and other nonempirical or anecdotal accounts of testing practices or testing outcomes.

(b) Although professional supervision of testing activities may help greatly to insure technically sound and nondiscriminatory test usage, such involvement alone shall not be regarded as constituting satisfactory evidence of test validity.

§ 5A–12.850–7 Continued use of tests.

(a) A contractor may be permitted to continue the use of a test which is not at the moment fully supported by the required evidence of validity. If, for example, evidence of criterion-related validity in a specific setting is technically feasible and required but not yet obtained, the use of the test may continue: Provided: (a) The contractor can cite substantial evidence of validity as described in § 5A–12.850–5, and (b) he has in progress validation procedures which are designed to produce, within a reasonable time, the additional data required. It is expected also that the contractor may have to alter or suspend test cutoff scores so that score ranges broad enough to permit the identification of criterion-related validity will be obtained.

(b) Contractors should provide an opportunity for retesting and reconsideration to earlier "failure" candidates who have availed themselves of more training or experience.

§ 5A–12.850–8 Other selection techniques.

Selection techniques other than tests may be improperly used so as to have the effect of discriminating against minority groups or women. Such techniques include, but are not restricted to, unscored or casual interviews, unscored application forms, and unscored personal history and background requirements not used uniformly as a basis for qualifying or disqualifying applicants. Where there are data suggesting employment discrimination, the contractor may be called upon to present evidence concerning the validity of his unscored procedures regardless of whether tests are also used, the evidence of validity being of the same types referred to in §§ 5A–12.850–2 and 5A–12.850–3. If the contractor is unable or unwilling to perform such validation studies, he has the option of adjusting employment procedures so as to eliminate the conditions suggestive of employment discrimination.

§ 5A–12.850–9 Compliance reviews.

(a) Nothing in this section shall be interpreted as diminishing a contractor's obligation under both Title VII of the Civil Rights Act of 1964 and Executive Order 11246, as amended, to take affirmative action to insure that applicants or employees are treated without regard to race, color, religion, sex, or national origin.

(b) The principle of disparate or unequal treatment must be distinguished from the concept of test validation. Disparate treatment, for example, occurs where members of a group protected by Executive Order 11246, as amended, have been denied the same opportunities for hire, transfer, or promotion as have been made available to other employees or applicants. Those employees or applicants who can be shown to have been denied equal treatment because of prior discriminatory practices or policies must at least be afforded the same opportunities as had existed for other employees or applicants during the period of discrimination. Thus, no new test or other employee selection standard can be imposed upon an individual or class of individuals protected by Executive Order 11246, as amended, who, but for this prior discrimination, would have been granted the opportunity to qualify under less stringent selection standards previously in force.

(c) A contractor regularly using a test which has adversely affected the opportunities of minority persons or women for hire, transfer, promotion, training, or retention violates Executive Order 11246, as amended, unless he can demonstrate that he has validated the test pursuant to the requirements of this section.

(d) Each contractor shall maintain, and submit upon request, such records and documents relating to the nature and use of tests, the validation of tests, and test results, as may be required under the provisions of this section and under the orders and directives issued by the Office of Federal Contract Compliance.

(e) The use of tests and other selection techniques by contractors as qualification standards for hire, transfer, promotion, training, or retention shall be examined carefully for possible indications of noncompliance with the requirements of Executive Order 11246, as amended.

(f) A determination of noncompliance pursuant to the provisions of this part shall be grounds for the imposition of sanctions under Executive Order 11246, as amended.

The table of contents for Part 5A–16 is amended to add the following new entries:

5A–16.901–98	Standard Form 98, Notice of Intention to Make a Service Contract and Response to Notice.
5A–16.901–99	Standard Form 99, Notice of Award of Contract.
5A–16.950–1953	GSA Form 1953, Nondiscrimination Survey of Government Contractor.
5A–16.951	Department of Defense forms.
5A–16.951–254	DD Form 254, Contract Security Classification Specification.
5A–16.954	Department of Labor forms.
5A–16.954–1313	Department of Labor, WH Publication 1313, Notice to Employees Working on Government Contracts.

NOTE: Copies of the above forms identified in this Part 5A–16 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: December 7, 1973.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–48 Filed 1–3–74;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–26—PROCUREMENT SERVICES AND PROGRAMS

Subpart 114–26.6—Procurement Sources Other Than GSA

CHANGE OF REFERENCE

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), Subpart 114–26.6, Title 41 of the Code of Federal Regulations, is amended as set forth below.

This amendment is issued to change the reference in 114–26.600–50(c) to the "Internal Revenue Service" (2 places) to read "Bureau of Alcohol, Tobacco and Firearms". It is, therefore, determined that the public rulemaking procedure is unnecessary and this amendment will become effective on January 4, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

DECEMBER 21, 1973.

§ 114–26.600–50 [Amended]

In the first and last sentences of § 114–26.600–50(c), delete the words "Internal Revenue Service" and substitute the words "Bureau of Alcohol, Tobacco and Firearms".

[FR Doc.74–212 Filed 1–3–74;8:45 am]

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1205—SERVICE CORPS OF RETIRED EXECUTIVES (SCORE) AND ACTIVE CORPS OF EXECUTIVES (ACE)—PAYMENT OF OUT-OF-POCKET EXPENSES

By virtue of the authority vested in me by section 302(c)(2) of the Domestic Volunteer Service Act of 1973, P.L. 93–113, 87 Stat. 404, I hereby prescribe regulations which will appear as title 45, Chapter XII, Part 1205 of the Code of Federal Regulations. This provides for the payment of certain necessary out-of-pocket and travel expenses incident to the provision of services by SCORE and ACE volunteers. In that the material contained herein is a matter relating to interpretative rules, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed ruling making, opportunity for public participation and delay in effective date are inapplicable. Pursuant to section 420 of Pub. L. 93–113, ACTION regulations are effective on February 4, 1974.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, or suggestions to the Director of ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Attention: Deputy Associate Director for SCORE/ACE Programs. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, part 1205 as set forth herein shall remain in effect.

In consideration of the foregoing, Chapter XII of Title 45 of the Code of Federal Regulations is amended, effective February 4, 1974 as follows:

Sec.
1205.1 Introduction.
1205.2 Reimbursement for expenses within 50 miles.
1205.3 Reimbursement for expenses beyond 50 miles.
1205.4 Conferences.
1205.5 Other expenses.

AUTHORITY: The provisions of this Part 1205 issued pursuant to Sections 302(c)(2), 402(14) and 420 of P.L. 93–113, 87 Stat. 404, 407 and 414,—U.S.C.—.

§ 1205.1 Introduction.

The Domestic Volunteer Service Act of 1973, P.L. 93–113, 87 Stat. 394 authorizes the Director of ACTION to reimburse volunteers of the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) for certain out-of-pocket and travel expenses. The out-of-pocket expenses must be incident to their provision of services under this Act. Travel expenses are authorized while the volunteers are providing services away from their home or regular place of business. Travel expenses include *per diem* in lieu of subsistence.

§ 1205.2 Reimbursement of expenses within a 50-mile radius of home.

A volunteer will be reimbursed while performing services within a 50-mile radius of his home or regular place of business for the following expenses: local phone calls, parking fees, public transportation, bus and train fares; local taxis; personal automobile mileage charges authorized by the Standardized Government Travel Regulations; highway and related tolls; and other nonrecurring or unusual expenses necessary to the provision of volunteer services approved by the appropriate State or Regional Office.

§ 1205.3 Reimbursement of expenses for services beyond 50 miles.

A volunteer may provide services beyond a radius of 50 miles from his home or regular place of business only with the prior approval of the appropriate ACTION Regional or State Office. Upon receipt of such approval he will be reimbursed only for the following expenses:

(a) Automobile travel, including personal automobile mileage charges authorized by Standardized Government Travel Regulations, highway and related tolls; and parking fees.

(b) Other travel, including bus and rail, airplane (where specifically authorized by the appropriate ACTION State or Regional Office official), local taxis, and public transportation.

(c) Per diem expenses in lieu of substance as authorized by the Standardized Government Travel Regulations.

(d) Miscellaneous expenses including local phone calls and necessary non-recurring or unusual expenses approved by the appropriate ACTION State or Regional Office.

§ 1205.4 Conferences.

With prior approval of the appropriate ACTION State or Regional Office, an authorized delegate to SCORE and ACE national, regional, or district conference is authorized to receive travel expenses and *per diem* as provided in § 1205.3. Members of the National SCORE Council may also be reimbursed for necessary expenses to attend authorized meetings and conferences in accordance with the provisions of § 1205.3.

§ 1205.5 Other expenses.

The Associate Director for Domestic and Anti-Poverty Operations or his designee may authorize reimbursement for other expenses incident to the provision of volunteer services including but not limited to training, technical materials, and visual aids.

Issued in Washington, D.C. on December 28, 1973.

MICHAEL P. BALZANO,
Director, ACTION.

[FR Doc.74–326 Filed 1–3–74;8:45 am]

Title 49—Transportation

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

[Docket No. 25; Notice 7]

PART 575—CONSUMER INFORMATION REGULATIONS

Uniform Tire Quality Grading

This notice establishes a Consumer Information regulation on Uniform Tire Quality Grading. The notice is based on proposals published March 7, 1973 (38 FR 6194), and August 14, 1973 (38 FR 21939). An earlier proposal, published September 21, 1971 (36 FR 18751) was later withdrawn (April 21, 1972; 37 FR 7903). Comments submitted in response to these proposals have been considered in the preparation of this notice.

The regulation will require tire manufacturers and brand name owners to provide relative grading information for 13-, 14- and 15-inch tire size designations for tire traction, treadwear, and high speed performance. The respective grades will be molded into or onto the tire sidewall, contained in a label affixed to each tire, and provided for examination by prospective purchasers in a form retainable by them at each location where tires are sold. The requirements are effective with respect to passenger cars when they are equipped with new tires bearing quality grades.

Treadwear. The regulation requires each tire to be graded for treadwear performance using numbers which indicate the percentage of treadwear the tire will produce when compared to the treadwear obtained from a "control tire" specified in the regulation. Each tire will be graded with either the number "60", representing treadwear performance less than 80 percent of the control tire's, or the number "80", "120", "160" or "200", representing at least that percentage of control tire wear. The grades are fewer in number and represent broader performance ranges than those proposed; as a result of comments that the proposed grades were too numerous and would not take into account inherent differences in tire performance.

The method for obtaining treadwear grades is essentially that proposed in the notice of March 7, 1973. Treadwear grades will be determined by using a convoy of up to four identical passenger cars with one vehicle equipped with four identical control tires, and each of the remaining vehicles equipped with four identical manufacturer's tires (candidate tires) having the same nominal rim diameter as the control tire. The NHTSA intends that the convoy vehicles be driven as similarly as possible with respect to such factors as steering and braking. The vehicles are run for 16,000 miles over a surface that will produce control tire wear equal to between 65 and 85 percent of original tread depth. The proposal had suggested that the tires be worn to 90 percent of tread depth. This

percentage has been reduced to prevent the tires from being worn below their treadwear indicators. The proposal had further suggested that candidate tires be loaded to 100 percent of the load specified for their inflation pressure in the 1972 Tire and Rim Association Yearbook. In response to comments that vehicles are rarely loaded to that extent in practice, the load has been changed to 90 percent of the load specified for the inflation pressure in the 1972 Tire and Rim Association Yearbook. The NHTSA believes the road test method for measuring treadwear to be the most satisfactory that is presently available. Moreover, the method has been used for many years by tire manufacturers to evaluate the treadwear potential of newly developed tire designs and compounds.

Many comments agreed that a 16,000-mile road test was appropriate for grading the treadwear of radial tires. Some comments urged, however, that only a 12,000-mile test be specified for bias and bias/belted tires. The NHTSA has not accepted this recommendation as it believes the comparative data for candidate tires of different construction types will necessarily be more accurate if the comparisons are based on the same degree of control tire wear.

Certain comments referred to the existing national energy shortage, requesting that the agency take into account the problems presented by the shortage in the final requirements. The NHTSA recognizes the degree of energy that will be necessary to perform the appropriate grading tests, particularly with respect to the test for treadwear grading. Research has been undertaken and will continue with a view to reducing the energy needs to establish treadwear performance without adversely affecting the validity of test results. The NHTSA invites suggestions or proposals in this regard, including supportive data, directed to the establishment of alternative methods or tests for grading tire treadwear.

Traction. Each tire will bear a traction grade of "90", "105", or "120", representing at least that percentage of control tire performance. The test for obtaining traction grades is similar to that proposed on March 7, 1973. It utilizes a two-wheeled test trailer built essentially to specifications in American Society of Testing and Materials E-274-70, *Skid Resistance of Paved Surfaces Using a Full-Scale Tire.* The test consists of towing the trailer over specified wet test surfaces, equipped first with identical control tires, and then with identical candidate tires of the same rim diameter as the control tire. The average coefficient of friction is computed when one trailer wheel is locked on each of the two surfaces at 20, 40, and 60 miles per hour. The grade, similarly to the treadwear grade, is the comparative difference between candidate and control tire performance. The final rule differs from the notice in that the proposed traction grade representing less than 90 percent of control tire performance has not been included. This results from the notice proposing to amend Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) (38 FR 31841; November 19, 1973) to require all passenger car tires to achieve at least this level of control tire performance. The NHTSA expects that this requirement will become effective on the effective date of this regulation, thereby necessitating the deletion of the grade. The other grades specified differ from those proposed to the extent that the range between grades has been increased to better allow for inherent gradations in actual tire performance.

Many comments urged that grading for tire traction not be established at this time. The comments argued that the current state of the art has not advanced to the point where reliable and reproducible results can be obtained using the proposed two-wheel trailer method.

The NHTSA believes the traction test issued by this notice, utilizing the two-wheeled trailer, is an objective procedure, capable of producing repeatable results, and is therefore satisfactory for the purpose of measuring and grading straight-line, wet-surface braking traction. In this regard, on the basis of information received from General Motors, that company is presently using the identical methodology in the specifications for tire traction for its "TPC" specification tire. This tire is presently manufactured by numerous domestic tire companies. Moreover, grading tire traction is a necessary adjunct, in the view of NHTSA, to grading tire treadwear, for it is commonly known that treadwear and traction performance result from diverse tire properties. The two tests, therefore, serve as a check that manufacturers will not design tires that perform well in one area at the expense of performance in the other. The minimum traction performance requirement recommended by the comments as a substitute for traction grading is insufficient, in the view of NHTSA, to serve this function alone.

Many comments stated that traction test surfaces should be defined by test surface composition and skid number, rather than by skid number alone as proposed. It was argued that without a surface specification, reversals in tire performance may occur. The NHTSA agrees that the inclusion of precise surface specifications may improve the reliability of traction test results. It has not adopted such specifications in this notice as they have not been previously proposed. However, recent developments have been made in the establishment of test surfaces by the Federal Highway Administration of the Department of Transportation. Test surfaces developed by that agency are proposed in a notice issued concurrently with this notice (1061) for later inclusion in the regulation.

Some comments argued that the description of this grading parameter as "traction" was misleading, as the proposed test dealt only with wet braking traction and not dry pavement or cornering traction. They suggested therefore that the grading parameter be referred to as braking or stopping traction, or as "wet-surface traction." The NHTSA does not dispute that these other traction properties are important, aspects of tire traction, and expects to add these performance aspects to the traction grading scheme when appropriate test procedures are developed. The NHTSA does not believe, however, that the description of the existing test as "traction" is misleading. The terminology suggested by the comments, in the view of NHTSA, would be overtechnical and unnecessary.

High speed performance. High speed performance grades of "A", "B", or "C" are required to be affixed to each tire based on its performance on the high speed laboratory test wheel which is presently used in testing for conformity to Motor Vehicle Safety Standard No. 109. The test utilized is as proposed—an extension of the Standard No. 109 high speed performance test. A tire will be graded "C" if it only passes the Standard No. 109 test. In order to achieve a grade of "B", the tire must run without failure an additional ½ hour at 425 rpm and two additional hours, one at 450 rpm and the other at 475 rpm. To achieve a grade of "A" the tire must be run without failure an additional hour at 500 rpm and another hour at 525 rpm. The NHTSA has recently revised the criteria for tire failure in Standard No. 109 (38 FR 27050; September 28, 1973) and the revised criteria are the criteria included in this rule.

The principal comment regarding the proposed high speed grading format was that it should consist of only two grades—one recommended for general use and the other for use by emergency vehicles. The comments argued that further grading of high speed performance was unnecessary and would promote high speed driving. The NHTSA views the suggested 2-grade scheme as rendering any high speed grade meaningless for most consumers. Essentially, it provides no information other than conformity to Standard No. 109. The NHTSA believes driving habits with respect to speed do differ among the driving population and that the grading scheme should be based on that consideration.

Control tires. Both treadwear and traction grades are based on comparative results using a control tire specified in the rule. The control tires are 2-ply, rayon tires of bias construction, in sizes 6.50 x 13, 7.75 x 14, and 8.55 x 15. The control tire in each specified rim diameter will be used in testing all candidate tires having that rim diameter. The precise specifications for the tires are identical to those proposed.

Control tires will be manufactured pursuant to NHTSA contract and will be used in NHTSA compliance testing. They will be made available to the industry for testing purposes, and the NHTSA will accept, for purposes of compliance tests, results based upon their performance. The agency may consider manufacturers who use different test devices to have failed to exercise the due care contemplated by the National Traffic and Motor Vehicle Safety Act should their tires fail to perform to the specified grades when subject to agency tests.

The final rule modifies certain aspects of the proposed rule apart from the grading tests. In response to several comments, labels are not required to be affixed to the tread surface of tires which are furnished as original equipment on new vehicles. These vehicles are generally driven before sale, and labels on the tire tread surface are therefore of questionable value. Information on these tires will still be required to be otherwise furnished with the vehicle, and available for retention by prospective purchasers. The NHTSA did not, however, agree with comments recommending that the affixed label requirement be deleted entirely. Tires are frequently on display in sales outlets, and the affixed label will provide consumers with the clearest understanding of the grades applicable to a particular tire.

The grades molded onto the tire sidewall are required to be placed between the shoulder and the maximum section width, rather than between the maximum section width and the bead as proposed. The NHTSA believes the grades should apply only to the original tire, and the placement of grades above the maximum section width increases the likelihood that grades will be removed if the tire is retreaded.

Certain comments expressed the view that providing information for tires placed on new vehicles and furnishing that information to the NHTSA 30 days before the vehicles are available to the public is difficult to accomplish because of the variety of tire and vehicle combinations involved. The NHTSA does not believe sufficient justification has been shown for deleting these requirements. While some modification may be necessary to existing manufacturer practices, the NHTSA cannot agree that the regulation presents unmanageable problems for manufacturers.

Effective dates. September 1, 1974. The NHTSA has issued this notice pursuant to an order of the United States District Court for the District of Columbia. That order specifies that the regulation take effect on September 1, 1974.

In light of the above, sections 575.4 and 575.6 are revised, and a new section 575.104 "Uniform Tire Quality Grading", is added in Chapter V, Title 49, Code of Federal Regulations, to read as set forth below.

(Secs. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegation of authority at 49 CFR 1.51)

Issued on December 28, 1973.

JAMES B. GREGORY,
Administrator.

1. Sections 575.4 and 575.6 are revised to read as follows:

§ 575.4 Application.

(a) *General.* Except as provided in paragraphs (b) through (d) of this section, each section set forth in Subpart B of this part applies according to its terms to motor vehicles and tires manufactured after the effective date indicated.

(b) *Military vehicles.* This part does not apply to motor vehicles or tires sold directly to the Armed Forces of the the United States in conformity with contractual specifications.

(c) *Export.* This part does not apply to motor vehicles or tires intended solely for export and so labeled or tagged.

(d) *Import.* This part does not apply to motor vehicles or tires imported for purposes other than resale.

§ 575.6 Requirements.

(a) At the time a motor vehicle is delivered to the first purchaser for purposes other than resale, the manufacturer of that vehicle shall provide to that purchaser, in writing and in the English language, the information specified in Subpart B of this part that is applicable to that vehicle and its tires. The document provided with a vehicle may contain more than one table, but the document must clearly and unconditionally indicate which of the tables applies to the vehicle and its tires.

EXAMPLE 1. Manufacturer X furnishes a document containing several tables, which apply to various groups of vehicles that it produces. The document contains the following notation on its front page: "The information that applies to this vehicle is contained in Table 5." The notation satisfies the requirement.

EXAMPLE 2. Manufacturer Y furnishes a document containing several tables as in Example 1, with the following notation on its front page:

Information applies as follows:
Model P. 6-cylinder engine—Table 1.
Model P. 8-cylinder engine—Table 2.
Model Q—Table 3.

This notation does not satisfy the requirement, since it is conditioned on the model or the equipment of the vehicle with which the document is furnished, and therefore additional information is required to select the proper table.

(b) At the time a motor vehicle tire is delivered to the first purchaser for a purpose other than resale, the manufacturer of that tire, or in the case of a tire marketed under a brand name, the brand name owner, shall provide to that purchaser the information specified in Subpart B of this part this applicable to that tire.

(c) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall provide for examination by prospective purchasers, at each location where its vehicles or tires are offered for sale by a person with whom the manufacturer or brand name owner has a contractual, proprietary, or other legal relationship, or by a person who has such a relationship with a distributor of the manufacturer or brand name owner concerning the vehicle or tire in question, the information specified in Subpart B of this part that is applicable to each of the vehicles or tires offered for sale at that location. The information shall be provided without charge and in sufficient quantity to be available for retention by prospective purchasers or sent by mail to a prospective purchaser upon his request. With respect to newly introduced vehicles or tires, the information shall be provided for examination by prospective purchasers not later than the day on which the manufacturer or brand name owner first authorizes those vehicles or tires to be put on general public display and sold to consumers.

(d) Each manufacturer of motor vehicles, each brand name owner of tires, and each manufacturer of tires for which there is no brand name owner shall submit to the Administrator 10 copies of the information specified in Subpart B of this part that is applicable to the vehicles or tires offered for sale, at least 30 days before that information is first provided for examination by prospective purchasers pursuant to paragraph (c) of this section.

2. A new § 575.104 is added to read as follows:

§ 575.104 Uniform tire quality grading.

(a) *Scope.* This section requires tire manufacturers and brand name owners to provide information indicating the relative performance of passenger car tires in the areas of treadwear, traction, and high speed performance.

(b) *Purpose.* The purpose of this section is to aid the consumer in making an informed choice in the purchase of passenger car tires.

(c) *Application.* This section applies to new pneumatic tires for use on passenger cars manufactured after 1948. However, this section does not apply to deep tread, winter-type snow tires or to tires having rim diameters other than 13, 14, or 15 inches.

(d) *Requirements.* Each manufacturer of tires, or in the case of tires marketed under a brand name, each brand name owner, shall furnish the information specified in paragraphs (d)(1) through (d)(4) of this section, in the form illustrated in Figure 1, in letters not less than three thirty-seconds of an inch high, on a label affixed to the tread surface of each tire (except a tire sold as original equipment on a new motor vehicle) in a manner such that it is not easily removable. In addition, letters, figures, and symbols indicating the quality grades assigned to the tire shall be permanently molded into or onto one sidewall of the tire between the maximum section width and the shoulder as

illustrated in Figure 2. No symbols other than those specified shall be used to indicate performance grades. Each such tire shall be capable, under the conditions and procedures specified in this section, of performing at least as well in each area as the grade placed on the tire indicates.

(1) The statement: THIS TIRE CONFORMS TO FEDERAL SAFETY REQUIREMENTS.

(2) The word "TREADWEAR", followed by the number 60, 80, 120, 160, or 200, representing the tire's grade for treadwear, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section and the treadwear grading conditions and procedure specified in paragraph (f) of this section.

(i) The tire shall be graded 60 if the value obtained pursuant to paragraph (f) (2) (ix) of this section is less than 80 percent.

(ii) The tire may be graded 80 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 80 percent or more.

(iii) The tire may be graded 120 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 120 percent or more.

(iv) The tire may be graded 160 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 160 percent or more.

(v) The tire may be graded 200 only if the value obtained pursuant to paragraph (f) (2) (ix) of this section is 200 percent or more.

(3) The word "TRACTION", followed by the number 90, 105, or 120, representing the tire's grade for traction, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section and the traction grading conditions and procedure specified in paragraph (g) of this section.

(i) Any tire may be graded 90, and the tire must be graded 90 if the value obtained pursuant to paragraph (g) (2) (xi) of this section is less than 105 percent.

(ii) The tire may be graded 105 only if the value obtained pursuant to paragraph (g) (2) (xi) of this section is 105 percent or more.

(iii) The tire may be graded 120 only if the value obtained pursuant to paragraph (g) (2) (xi) of this section is 120 percent or more.

(4) The words "HIGH SPEED", followed by the letter A, B, or C, representing the tire's grade for high speed performance, when the tire is tested in accordance with the general conditions specified in paragraph (e) of this section, and the high speed performance grading procedure specified in paragraph (h) of this section. A tire shall be considered to have completed a test stage if, at the end of the stage, it exhibits no visual evidence of tread, sidewall, ply, cord, innerliner or bead separation, chunking, broken cords, cracking or open splices, and the tire pressure is not less than the pressure specified in paragraph (h) (1) of this section.

(i) The tire shall be graded C if it fails to complete the 475 rpm test stage specified in paragraph (h) (9) of this section.

(ii) The tire may be graded B only if it completes the 475 rpm test stage specified in paragraph (h) (9 of this section.

(iii) The tire may be graded A only if it completes the 525 rpm test stage specified in paragraph (h) (9) of this section.

(e) *General conditions.* (1) Each tire shall be able to achieve the level of performance indicated by the grade it is given for each area of performance. An individual tire need not, however, meet further requirements after having been subjected to any one of the following:

(i) The test for grading treadwear (paragraph (f) of this section);

(ii) The test for grading traction (paragraph (g) of this section); or

(iii) The test for grading high speed performance (paragraph (h) of this section).

(2) In the case of the high speed performance test specified in paragraph (h) of this section, each tire shall meet the performance level indicated by the grade it is given when tested on any "test rim" as defined in S3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109).

(f) *Treadwear grading*—(1) *Conditions.* (i) The control tires are the 2-ply rayon tires specified in paragraph (i) of this section in sizes 6.50–13, 7.75–14, and 8.55–15.

(ii) The test roadway is any route of 16,000 miles on which, at completion of the procedure specified in paragraph (b) (2) of this section, the tread of the control tire, measured as specified in paragraph (f) (2) (i) of this section, is worn between 65 percent and 85 percent of its original depth.

(iii) A test convoy consists of no more than four identical passenger cars. Each vehicle maintains its position relative to the other vehicles during the test, and except for the lead vehicle, is throughout the test within human eye range of the vehicle immediately preceding it.

(iv) Wheel alignment is that specified by the vehicle manufacturer, and is maintained throughout the test.

(2) *Procedures.* (i) Obtain the average original tread depth of each control tire and each candidate tire to be used in the test by measuring the depth of each continuous rib at 6 equidistant points around the tire, avoiding treadwear indicators. Average all values obtained. In the case of control tires, obtain the average tread depth of all four tires placed on the test vehicle pursuant to paragraph (f) (2) (ii) (A) of this section. In tires having lug-tread designs, obtain the average tread depth by measuring the tread depth at 6 equidistant points around the tire at a distance from both sides of the tire center line equal to one-third of the width of the tire tread and averaging all values obtained.

(ii) Equip a test convoy with the control and candidate tires, as follows:

(A) One vehicle with four control tires of identical size, and

(B) Each other vehicle with four candidate tires of the same type, trade name or line, and size designation, and having the same rim diameter as the control tire.

(iii) Inflate each control tire to a cold inflation pressure of 24 psi. Inflate each candidate tire to a cold inflation pressure 8 pounds less than its maximum permissible inflation pressure.

(iv) Load the vehicle equipped with control tires so that the load on each tire is 90% of the load specified for the tire at 24 psi in the 1972 Tire and Rim Association, Inc., Yearbook. Load each vehicle equipped with candidate tires so that the load on each tire is 90% of the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the inflation pressure at which the tire is inflated.

(v) Drive the convoy on the test roadway described in paragraph (f) (1) (ii) of this section for 1,000 miles.

(vi) Stop the convoy, and rotate each vehicle's tires clockwise on that vehicle one wheel position. Repeat this procedure every subsequent 1,000 miles.

(vii) In addition to the procedure specified in paragraph (f) (2) (vi) of this section, at 4,000 miles and every 4,000-

mile interval thereafter, advance each set of tires to the next forward vehicle, placing the tires of the lead vehicle on the rearmost vehicle.

(viii) At the end of 16,000 miles, or whenever a candidate tire is worn to any treadwear indicator, stop the vehicle, remove its tires, allow them to cool to ambient temperature, and measure the average tread depth of each tire in the manner specified and at the measuring points established in paragraph (f) (2) (i) of this section.

(ix) Compute the percentage (P) of control tire wear experienced by each candidate tire, using the following formula:

$$P=\frac{A_o(C_o-C_w)}{C_o(A_o-A_w)}\times 100$$

where:

A_o=candidate tire's average original tread depth.
A_w=candidate tire's average worn tread depth.
C_o=control tires' average original tread depth.
C_w=control tires' average worn tread depth.

(g) *Traction grading*—(1) *Conditions.* (i) The control tires are the 2-ply rayon tires specified in paragraph (i) of this section in sizes 6.50–13, 7.75–14, and 8.55–15.

(ii) A control tire is discarded after it has been used to grade two candidate tires.

(iii) Before testing, protuberances (except for treadwear indicators) that are not part of the tread design are removed from candidate and control tires.

(iv) Each candidate and control tire is conditioned for 100 miles at the load specified in paragraph (f) (2) (iv) of this section, on an appropriate vehicle driven at 50 to 70 miles per hour on a clean, dry surface.

(v) Ambient temperatures are any temperatures between 40° F and 90° F.

(2) *Procedures.* (i) Mount two identical control tires on a test trailer built in conformity with the specifications in Paragraph 3, "Apparatus", of American Society for Testing and Materials Method E–274–70, except that

(A) "Wheel load" in paragraph 3.2.2 of that method shall be as specified in paragraph (g) (2) (iii) of this section and

(B) Tire and rim specifications in paragraph 3.2.3 of that method shall be candidate and control tires, as appropriate, and rims for the size of tire graded.

(ii) Inflate the tires to a cold inflation pressure of 24 psi.

(iii) Load the trailer so that the load on each tire equals the tire's maximum design load at 24 psi as specified in the 1972 Tire and Rim Association, Inc., Yearbook.

(iv) Tow the trailer at 20 mph.

(v) On a surface having a wet skid number of 30, determined pursuant to American Society for Testing and Materials Method E–274–70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire", except that the control tire specified in paragraph (i) of this section rather than the ASTM tire shall be used to determine skid number, lock one trailer wheel while maintaining its forward speed.

(vi) Record the retarding force on the locked wheel at the tire-ground interface continuously from 1.0 to 2.0 seconds after wheel lockup, and compute the average retarding force over that interval.

(vii) Compute the average coefficient of friction, at the tire-ground interface ("20), in the manner specified for calculating skid number (SN) in paragraphs 8.1 and 8.2 of American Society for Testing and Materials Method E–274–70.

(viii) Repeat the procedures specified paragraphs (g) (2) (i) through (g) (2) (vii) of this section except with the trailer towed at 40 mph, and again at 60 mph.

(ix) Repeat the procedures specified in paragraph (g) (2) (i) through (viii) of this section, except on a surface with a wet skid number of 50, determined pursuant to American Society for Testing and Materials Method E–274–70, "Skid Resistance of Paved Surfaces Using a Full-Scale Tire", except that the control tire specified in paragraph (i) of this section rather than the ASTM tire shall be used to determine skid number.

(x) Equip the trailer with 2 candidate tires, of the same type, trade-name or line, and the size designation, and having the same rim diameter as the control tire, inflated to a cold inflation pressure 8 pounds less than their maximum permissible inflation pressure, loaded to the weight specified for the tire at that inflation pressure in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109), and repeat the procedures specified in paragraph (g) (2) (iv) through (ix) of this section.

(xi) Compute the candidate tire's traction grade, as the ratio of its average friction coefficient to that of the control tire, expressed as a percentage (Q), as follows:

$$Q=\left[\frac{u_{20}}{v_{20}}+\frac{u_{40}}{v_{40}}+\frac{u_{60}}{v_{60}}+\frac{u'_{20}}{v'_{20}}+\frac{u'_{40}}{v'_{40}}+\frac{u'_{60}}{v'_{60}}\right]\times 100$$

where u and v refer to the average, measured friction coefficient for a test of candidate and control tires respectively, on a surface with wet skid number of 30, u' and v' the same for a surface with wet skid number of 50, and the subscripts refer to the test speeds in mph.

(h) *High speed performance grading.* (1) Mount the tire on a test rim and inflate it to 2 pounds less than its maximum permissible inflation pressure.

(2) Condition the tire-rim assembly at an ambient temperature of 100° F. for 3 hours.

(3) Adjust the pressure again to 2 pounds less than maximum permissible inflation pressure.

(4) Mount the tire-rim assembly on an axle, and press the tire tread against the surface of a flat-faced steel test wheel that is 67.23 inches in diameter and at least as wide as the section width of the tire.

(5) During the test, including the pressure measurements specified in paragraph (h) (1) and (3) of this section, maintain the temperature of the ambient air, as measured 12 inches from the edge of the rim flange at any point on the circumference on either side of the tire, at 100° F. Locate the temperature sensor so that its readings are not affected by heat radiation, drafts, variations in the temperature of the surrounding air, or guards or other devices.

(6) Press the tire against the test wheel at the load specified in Appendix A of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109) for the tire's size designation and type, at the inflation pressure that is 8 pounds less than the tire's maximum permissible inflation pressure.

(7) Rotate the test wheel at 250 rpm for 2 hours.

(8) Remove the load, allow the tire to cool to 100° F. or for 2 hours, whichever occurs last, and readjust the inflation pressure to 2 pounds less than the tire's maximum permissible inflation pressure.

(9) Reapply the load and without interruption or readjustment of inflation pressure, rotate the test wheel at 375 rpm for 30 minutes, then at 400 rpm for 30 minutes, and then for 1 hour each at 425 rpm, 450 rpm, 475 rpm, 500 rpm, and 525 rpm respectively.

(i) *Control tire.* The control tires used in grading treadwear and traction performance of passenger car tires shall conform to the specifications of this paragraph.

(1) *Rubber compound—formula.* The formula for rubber compound for use in both the tread and sidewall of the tire is set forth in Table I.

RUBBER FORMULA

	Parts
SBR–1714	97.5
Polybutadiene (approximately 95 percent CIS)	35.0
N–242 (ISAF–HS) carbon black	75.0
Hi aromatic petroleum oil	14.0
Zinc oxide	3.0
Stearic acid	2.0
Wax—fully refined parafin	2.0
Antioxidant-Antiozonant (Santoflex 77 or equivalent)	1.4
Antioxidant-Antiozonant (Santoflex 13 or equivalent)	1.4
CBS (Santocure)	1.1
DPG	.1
Sulfur	1.8
Total	234.8

TABLE I

(2) *Rubber compound—physical characteristics.* The rubber compound used in the tread and sidewall has the physical characteristics set forth in Table II.

PHYSICAL CHARACTERISTICS

Tensile sheet cures at 287° F[1].	60 minutes
300% modulus[2]	1250—1650 psi
Tensile sheet durometer (Shore)[3].	64±2
Rebound or resilience[4]	46.9% to 51.0%
Specific gravity[5]	1.14±0.01
Tensile strength (Min)[6]	2500 psi
Elongation (Min)[7]	440%
Tire tread durometer (Shore)[8].	60±1

[1] ASTM Method D 15
[2] ASTM Method D 412
[3] ASTM Method D 2240, using a Type A Shore durometer
[4] ASTM Method D 1054
[5] ASTM Method D 297
[6] ASTM Method D 412
[7] ASTM Method D 412
[8] ASTM Method D 2240

TABLE II

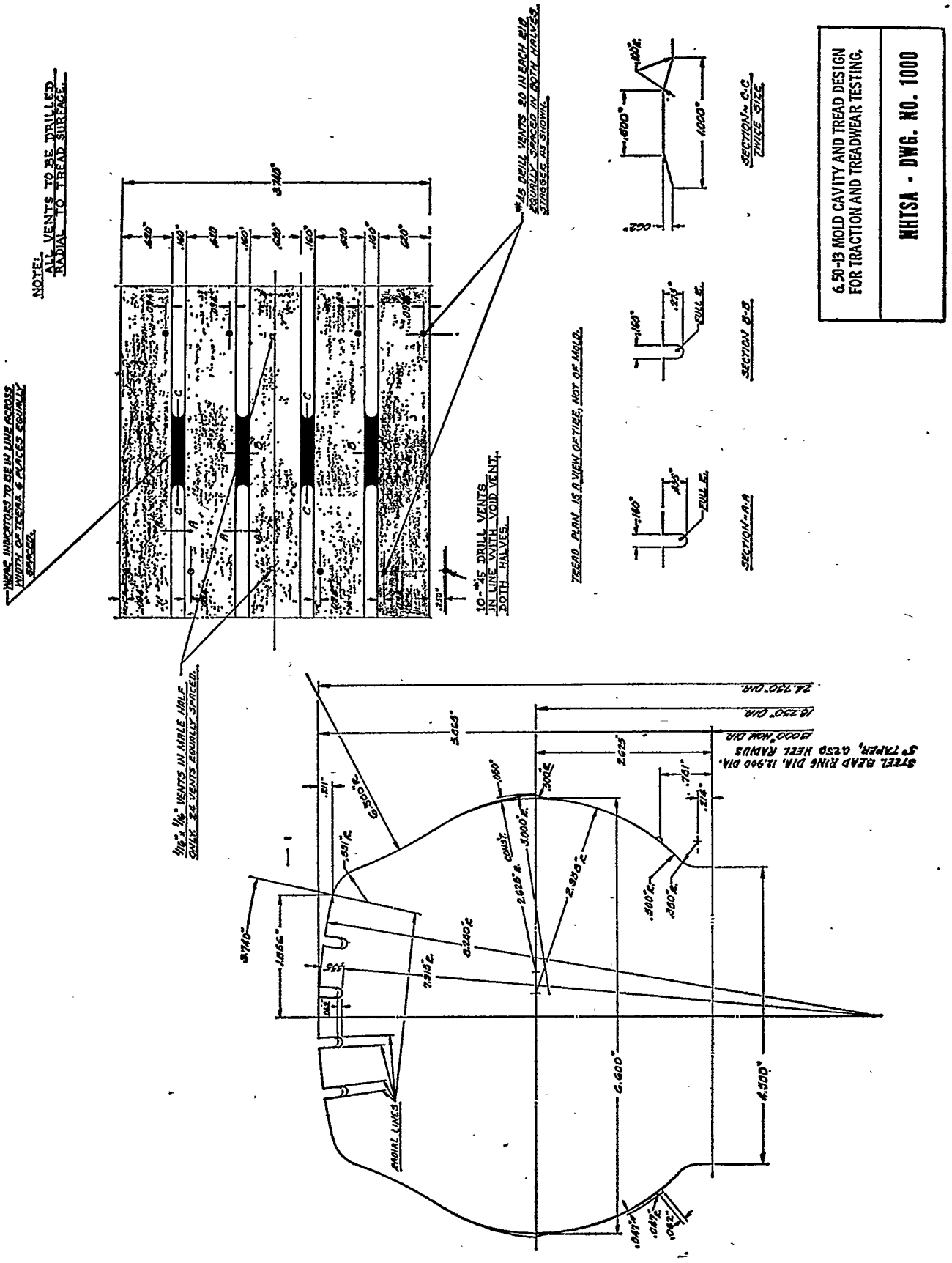
(3) *Mold dimensions.* The dimension for control tire molds are set forth in Table III and NHTSA Drawings Nos. 1000, 1001, and 1002.

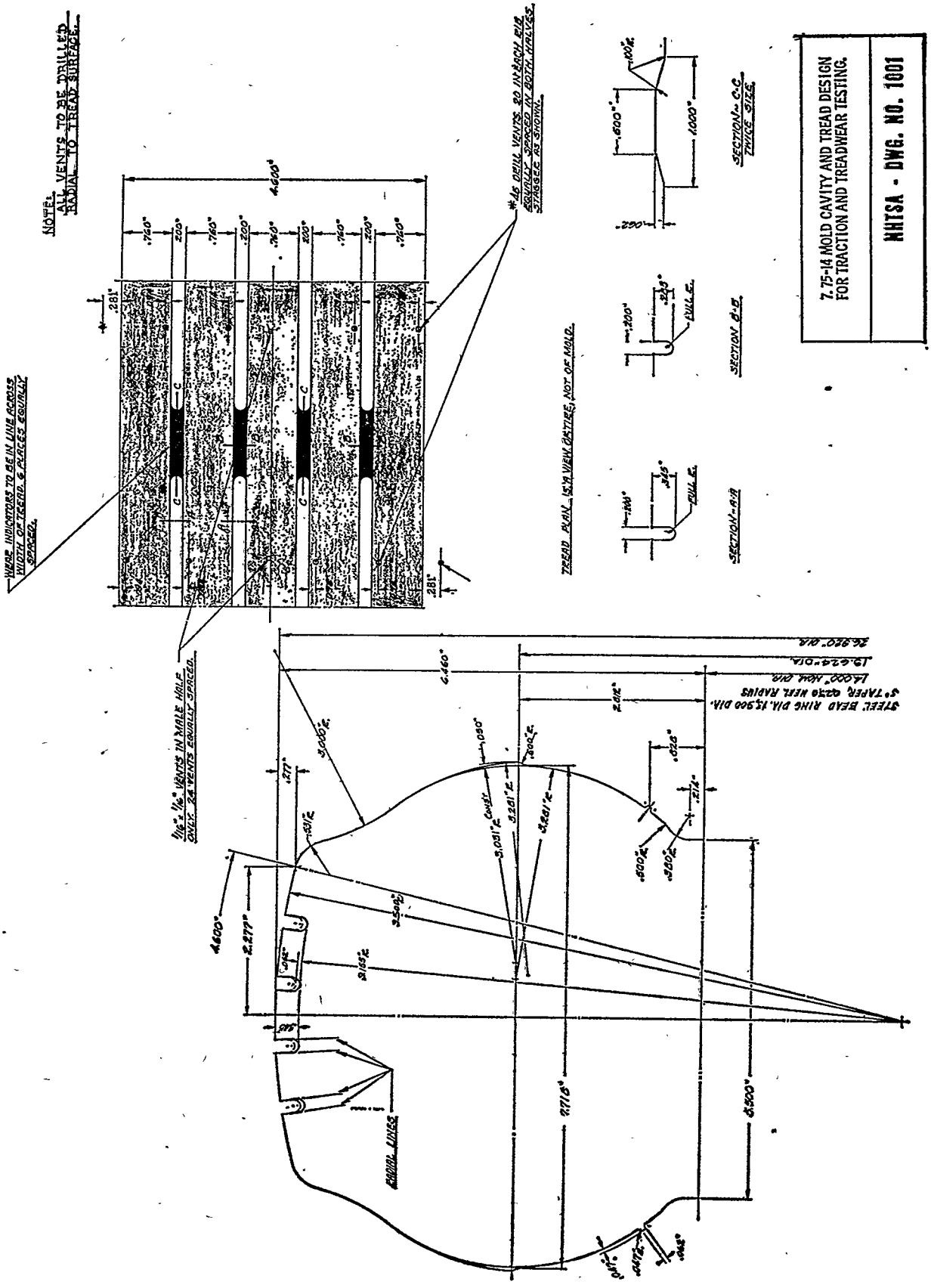
TABLE III.—MOLD DIMENSIONS[1]

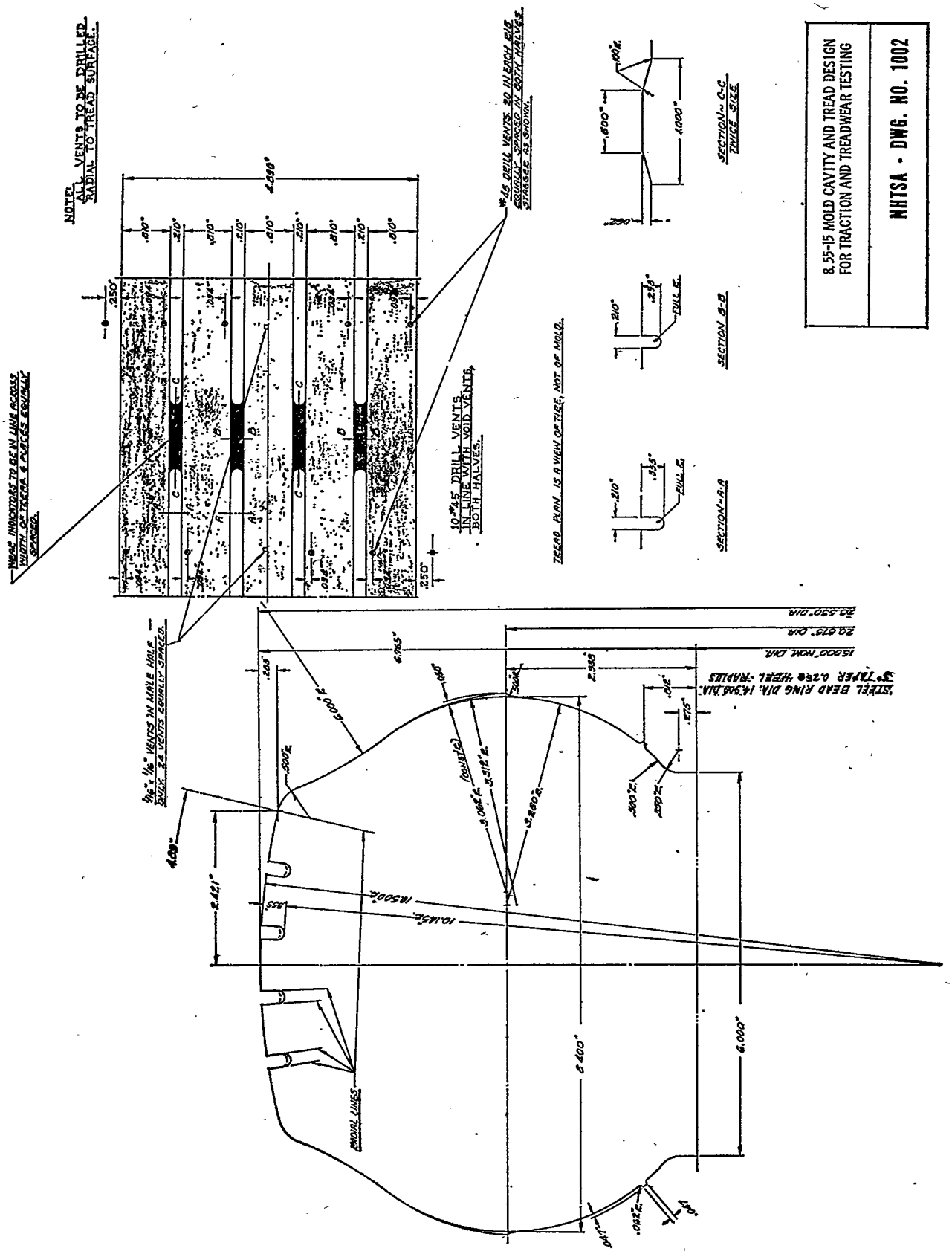
	NHTSA Dwg. No. 1000	NHTSA Dwg. No. 1001	NHTSA Dwg. No. 1002
Tire size	6.50–13	7.75–14	8.55–15
Nominal bead dia. (ref.)	13.00	14.00	15.00
Mold cavity outside dia.	24.730	26.920	28.530
Cavity cross section	6.600	7.718	8.400
Cavity bead width	4.500	5.500	6.000
Sect. ht. from nominal bead dia. (ref.)	5.865	6.460	6.765
Horizontal C/L major dia.	18.250	19.624	20.875
Ht. of rim centering rib	0.781	0.828	0.812
Distance from horizontal C/L to nominal bead diameter (ref.)	2.625	2.812	2.938
Cavity radius above horiz. C/L	2.625R	3.031R	3.062R
Cavity radius below horiz. C/L	2.938R	3.281R	3.250R
Floating radius between lower and upper sidewall cavity radii	0.500R	0.500R	0.500R
Distance from nominal bead dia. (ref.) to bead ring cavity radius	0.214	0.214	0.275
Bead ring cavity radius	0.380	0.380	0.350
Nonskid depth	0.335	0.345	0.355
Cavity radius on C/L Top of nonskid	8.250R	9.500R	10.500R
Bottom of nonskid	7.915R	9.115R	10.145R
Cavity tread arc measured horizontally from C/L	1.856	2.277	2.421
Shoulder drop	0.211	0.277	0.283
Cavity tread arc shoulder radius	0.531R	0.531R	0.500R
Floating radius between cavity shoulder radius and radius of cavity upper sidewall	6.500R	3.000R	6.000R
Developed tread width	3.740	4.600	4.890
Tread groove width	0.160	0.200	0.210
Tread rib width	0.620	0.760	0.810
Bead rings (steel); dia. at heel	12.900	13.900	14.900
Radius at heel	0.250R	0.250R	0.250R

[1] All mold dimensions are in inches and are based on nominal rim diameter. Mold manufacturers' tolerances: ±0.005"

TABLE III


6.50-13 MOLD CAVITY AND TREAD DESIGN FOR TRACTION AND TREADWEAR TESTING.
NHTSA - DWG. NO. 1000
NOTE! ALL VENTS TO BE DRILLED RADIAL TO TREAD SURFACE.
#45 DRILL VENTS 20 IN EACH RIB EQUALLY SPACED IN BOTH HALVES STAGGERED AS SHOWN.
10-#45 DRILL VENTS IN LINE WITH VOID VENT. BOTH HALVES.
1/16" x 1/16" VENTS IN MALE HALF QUICK 24 VENTS EQUALLY SPACED.
TREAD PLAN IS A VIEW OF TIRE, NOT OF MOLD.
SECTION C-C TWICE SIZE
SECTION B-B
SECTION A-A
STEEL BEAD RING DIA. 12.900 DIA. 5° TAPER, 0.250 HEEL RADIUS
AXIAL LINES


NOTE:
ALL VENTS TO BE DRILLED RADIAL TO TREAD SURFACE.
WEAR INDICATORS TO BE IN LINE ACROSS WIDTH OF TREAD. 6 PLACES EQUALLY SPACED.
#46 DRILL VENTS 20 IN EACH RIB EQUALLY SPACED IN BOTH HALVES STAGGER AS SHOWN.
TREAD PLAN 15 A VIEW OF TIRE, NOT OF MOLD.
SECTION-A-A
SECTION B-B
SECTION-C-C
TWICE SIZE
7.75-14 MOLD CAVITY AND TREAD DESIGN FOR TRACTION AND TREADWEAR TESTING.
NHTSA - DWG. NO. 1001
1/16" x 1/16" VENTS IN MALE HALF ONLY. 24 VENTS EQUALLY SPACED.
STEEL BEAD RING DIA. 15.900 DIA.
5° TAPER, 0.270 HEEL RADIUS
14.000" NOM. DIA.
19.624" DIA.
26.920" DIA.
RADIAL LINES


8.55-15 MOLD CAVITY AND TREAD DESIGN
FOR TRACTION AND TREADWEAR TESTING
NHTSA - DWG. NO. 1002
NOTE: ALL VENTS TO BE DRILLED RADIAL TO TREAD SURFACE.
#45 DRILL VENTS 20 IN EACH RIB EQUALLY SPACED IN BOTH HALVES STAGGER AS SHOWN.
10-#45 DRILL VENTS IN LINE WITH VOID VENTS BOTH HALVES.
TREAD PLAN IS A VIEW OF TIRE, NOT OF MOLD.
SECTION-C-C TWICE SIZE
SECTION B-B
SECTION-A-A
FULL E.
RADIAL LINES
STEEL BEAD RING DIA. 14.906 DIA.
20.530" DIA.
20.875" DIA.
15.000" NOM. DIA.
6.000"
6.400"
2.421"
4.890"

(4) *Rim centering rib.* The rim centering rib has a width of 0.062 inch, a depth of 0.047 inch, and a radius of 0.047 inch at the mold surface.

(5) *Treadwear indicators.* Treadwear indicators having a height of 0.062 inch, a length at the bottom (base of tread groove) of 1.000 inch, a length at the top of 0.500 inch, and a radius at each end of 0.100 inch, are placed across the width of the tread at 6 equidistant points around the circumference of the mold.

(6) *Grooves.* Each groove is parallel to the tread arc radius and has a full radius at the bottom.

(7) *Tread vents.* (i) Each tread vent is radial to the tread surface.

(ii) The male half of the mold contains 24 equidistant void vents, each having a height of one-sixteenth inch and a width of one-sixteenth inch.

(iii) Each tread rib contains 20 equidistant vents having a diameter of 0.082 inch (No. 45 drill), staggered 0.094 inch from each groove edge, and 0.250 inch from the shoulder.

(8) *Shoulder vents.* (i) Each shoulder vent has a diameter of 0.052 inch (No. 55 drill). Each vent is chamfered at 0.040 inch radius at the mold surface.

(ii) Each mold half contains 10 vents placed in line with void vents, 0.250 inch from the shoulder.

(iii) The top mold half contains one row of 16 equidistant vents placed midway between the horizontal centerline and the junction of the shoulder radius and the shoulder.

(iv) The bottom mold half contains one row of 16 equidistant vents placed midway between the horizontal centerline and the junction of the shoulder radius and the shoulder.

(9) *Sidewall vents.* (i) Each sidewall vent has a diameter of 0.052 inch (No. 55 drill). Each vent is chamfered at 0.040 inch radius at the mold surface.

(ii) The top mold half contains two rows of 16 equidistant vents placed midway between the rim centering rib and the horizontal centerline.

(iii) The bottom mold half contains three rows of 16 equidistant vents placed midway between the rim centering rib and the horizontal centerline.

(10) *Branding.* (i) The labeling specified in paragraph S4.3 of § 571.109 of this chapter (Motor Vehicle Safety Standard No. 109), including paragraph S4.3.1, but excluding paragraph S4.3.2, is branded into each mold half in accordance with that paragraph.

(ii) The legend: "NHTSA Control Tire—Do Not Use Except for Testing Purposes" is branded into each mold half, in letters 0.5000-inch high, 0.020-inch deep, between the maximum section width and rim centering rib.

(iii) One of the following legends is branded into each mold half, in letters one-sixteenth-inch high, one-eighth-inch above the rim centering rib:

(A) In the case of the 6.50–13 control tire: 6.50–13—Test at 24 p.s.i.—980 lbs.

(B) In the case of the 7.75–14 control tire: 7.75–14—Test at 24 p.s.i.—1,270 lbs.

(C) In the case of the 8.55–15 control tire: 8.55–15—Test at 24 p.s.i.—1,510 lbs.

(11) *Miscellaneous construction requirements.* Miscellaneous construction requirements for the control tires are set forth in Table IV.

TIRE CONSTRUCTION [1] [2]

Tire size	6.50–13	7.75–14	8.55–15.
Number of plies	2	2	2.
Unit tread and sidewall.	Yes	Yes	Yes.
Under tread thickness	0.10	0.10	0.10.
Cured angle	36°±2°	36°±2°	36°±2°.
Fabric, rayon	1650/3	2200/3	2200/3.
Ends per inch at calendar.	24	22	22.
Calendar gauge:			
1st ply	0.051	0.056	0.056.
2nd ply	0.049	0.054	0.054.
Moisture in fabric at calendar.	1 percent or less.	1 percent or less.	1 percent. or less.
Bead (0.037 dia. wire)	4 layers 4 strands.	5 layers 4 strands.	5 layers. 5 strands.
Bead filler (Apex)	Optional.	Optional.	Optional.
Bead wrap (cotton, 7 oz./sq. yd.):			
Width	1⅛	1¼	1⅜.
Gauge	0.024	0.024	0.024.
Bead wire winding dia.	13.15	14.15	15.15.
Innerliner (chloro-butyl) Gauge.	0.055	0.055	0.055.
Rim width	4.50	5.50	6.00.
Section width [3]	6.60	7.75	8.45.
Overall diameter [4]	24.58	25.96	28.52.
Chafer (nylon monofilament):			
Gauge	0.045	0.045	0.045.
Width	2	2	2.
Crown Radius [5]	110 percent	110 percent	110 percent

[1] Dimensions are in inches unless otherwise specified.
[2] Turn-up heights and "step offs" to follow tire manufacturers' standard practice.
[3] Overall width may exceed section width by 7 percent.
[4] May be exceeded by 7 percent, computed as follows: OD′=1.07 (OD–ND)+ND, where OD=stated overall diameter, ND=nominal diameter, and OD′=adjusted overall diameter.
[5] Actual tread radius divided by nominal tire cross section width.

TABLE IV

(12) *Skid number.* A control tire suitable for purposes of grading treadwear and traction pursuant to this section shall, when tested on a surface having a wet skid number of 30, determined in accordance with American Society for Testing and Materials (ASTM) E274–70, Skid Resistance of Paved Surfaces Using a Full-Scale Tire, except with a control tire rather than the ASTM tire used to determine skid number, produce a wet skid number of 30±10 percent.

(13) *Performance requirements.* Each control tire shall be manufactured to conform to § 571.109 of this chapter.

DOT TIRE QUALITY GRADES

THIS TIRE CONFORMS TO FEDERAL SAFETY REQUIREMENTS

Tire grade:	*Performance*
Treadwear:	The grades for treadwear and traction are in the form of percentages comparing the performance of this tire with a "control tire." This control tire is not available to the general public and is designed according to government specifications to give consistent test results. Comparative results are used in the treadwear and traction grading scales, as these aspects of tire performance are affected by geographic location, environment, and driving habits.
60	
80	
120	
160	
200	
Traction:	
90	
105	
120	
Tire Grade:	*Performance*
High speed:	
A	Suitable for frequent and prolonged driving on roads with no speed limitations.
B	Suitable for frequent and prolonged driving on roads with speed limitations up to 85 mph.
C	Suitable for driving at speeds up to 70 mph, but infrequent driving at higher speeds.

FIGURE 1

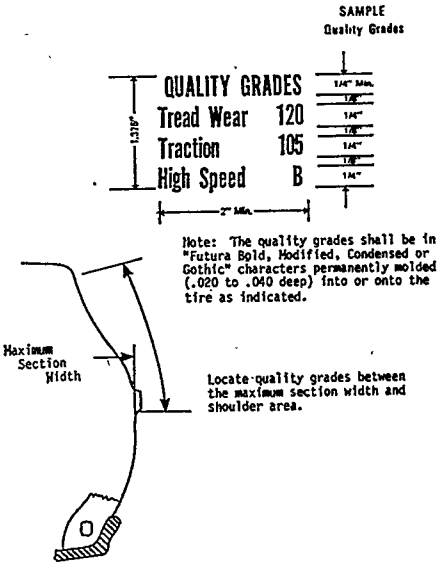


FIGURE 2.

[FR Doc.74-295 Filed 1-3-74;8:00 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1139; Amdt. 2]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 26th day of December 1973.

Upon further consideration of Service Order No. 1139 (38 FR 14944 and 27354), and good cause appearing therefor:

It is ordered, That: Service Order No. 1139 (The Atchison, Topeka and Santa Fe Railway Company authorized to operate over tracks of Union Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., December 31, 1973.

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74–348 Filed 1–3–74;8:45 am]

PART 1033—CAR SERVICE

[Service Order No. 1166]

Chicago and North Western Transportation Company Authorized To Operate Over Tracks of Des Moines Western Railway Company

At a Session of the INTERSTATE COMMERCE COMMISSION, Railroad Service Board, held in Washington, D.C., on the 21st day of December 1973.

It appearing, That the lease of the railroad properties of the Des Moines Western Railway Company (DMW) to the Fort Dodge, Des Moines & Southern Railway Company (FDMS) expires December 31, 1973, and has not been extended; that commencing January 1, 1974, the FDMS will be required to cease operations over the railroad properties of the DMW; that the DMW owns no locomotives or cars and employs no operating personnel and hence is incapable of performing essential operations of its railroad properties; that the Chicago and North Western Transportation Company has agreed to purchase and operate the railroad properties of the DMW; that shippers located adjacent to the tracks of the DMW are in need of continued railroad service over these tracks; that the CNW has agreed to provide such services and that the DMW has consented to such use of its line by the CNW pending disposition by the Commission of the request of the CNW for authority to purchase and operate the railroad properties of the DMW; that operation by the CNW over the aforementioned tracks of the DMW is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

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

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

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

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

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

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

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

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

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74–347 Filed 1–3–74;8:45 am]

[Ex Parte No. 277 (Sub-No. 1)]

PART 1124—REGULATIONS GOVERNING THE ADEQUACY OF INTERCITY RAILROAD PASSENGER SERVICE

Order. At a session of the Interstate Commerce Commission, held at its offices in Washington, D.C., on the 7th day of December 1973.

It appearing, That the Commission, by notice and order dated December 6, 1971, instituted this rulemaking proceeding under authority of 5 U.S.C. 553 and 559 (The Administrative Procedure Act), 45 U.S.C. 641 (section 801 of the Rail Passenger Service Act), and 149 U.S.C. 1 *et seq.* (the Interstate Commerce Act), to determine whether it should adopt the proposed regulations described in that notice and order as set forth in appendix A of this report and order which would establish standards of adequacy of intercity rail passenger service, and set guidelines for their implementation including regulations governing reservations, stations, equipment, and personnel on trains, performance of train service and other matters;

It further appearing, That by said notice of proposed rulemaking all interested parties were invited to make representations with regard to the proposed rule; and that notice to all interested parties was given through publication in the FEDERAL REGISTER of May 5, 1972;

It further appearing, That various parties submitted their views and suggestions regarding the proposed regulations, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions, findings, reasons therefor, and its decision that the regulations set forth below thereof should be adopted, which report is hereby referred to and made a part hereof;

It further appearing, That as a partial exercise of its authority under section 801 of the Rail Passenger Service Act, as originally enacted, to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity rail passenger service, the Commission adopted safety regulations (49 CFR 1124.1) on April 26, 1971 (36 FR 8211), and that in the order of December 6, 1971, interested parties were also invited to submit their views concerning the sufficiency of the safety regulations now in force as prescribed or proposed by the Federal Railroad Administration, Department of Transportation, and adopted by this Commission by the order of April 26, 1971, and in view of the amendments made to section 801 of the Rail Passenger Service Act by Public Law No. 93–587, approved by the President on November 3, 1973, and of the report of the Conference Committee thereon, House Report No. 93–587, 93d Cong., 1st Sess. (October 12, 1973), the Commission is of the opinion that it is without jurisdiction to amend, modify, or add to those safety regulations as they apply to intercity passenger service, except, at this time, to transfer those safety regulations from 49 CFR 1124.1 to 49 CFR 1124.27.

It is ordered, That the Commission hereby adopts the regulations as set forth below.

It is further ordered, That Part 1124 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding the regulations as set forth below, and that § 1124.1 of the above title dealing with safety be renumbered § 1124.27.

It is further ordered, That this order shall become effective 35 days from the date it is served; and

It is further ordered, That insofar as the order of April 26, 1971, pertains to regulations of the safety of intercity passenger service, that order shall remain in force and effect, subject, however, to the administrative change directed by the second ordering paragraph thereof; and

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

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

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AUTHORITY: 5 U.S.C. 553 and 559, Administrative Procedure Act, 45 U.S.C. 641 (Sec. 801), Rail Passenger Service Act; 49 U.S.C. 1 et seq., Interstate Commerce Act.

DEFINITIONS, APPLICABILITY, AND EXEMPTIONS

§ 1124.1 Definitions.

(a) "Amtrak" means the National Railroad Passenger Corporation.

(b) "Train" means an intercity passenger train subject to these regulations and to the Rail Passenger Service Act of 1970 (RPSA).

(c) "Amtrak train" means an intercity passenger train operated by or for Amtrak.

(d) "Non-Amtrak train" means an intercity passenger train operated other than by or for Amtrak.

(e) "Station" means any point at which passenger may board or leave a passenger train and the facilities, such as buildings and platforms, associated therewith. Stations not listed as regularly scheduled stops, but at which trains will stop to entrain or detrain passengers only on signal or advance notice are referred to as "flag stops."

(f) "Carrier" means Amtrak and any common carrier by railroad which provides intercity rail passenger service on its own behalf or by contract for Amtrak.

(g) "Passenger" means anyone, except working crew members, who travels on a train the service of which is governed by these regulations.

(h) "Customer" means any passenger who pays: (1) Full fare, (2) a reduced fare where such fare has been traditionally provided for by law, as in the case of the reduced fares for the blind; or (3) an incentive fare, when such fare has been traditionally used in the travel industry to increase ridership in periods of low demand, such as midweek fares. For the purposes of these regulations it excludes passengers whose fare status is on a conditional (space-available) basis, such as standby and pass riders. For the purposes of the regulations regarding reservations the term "customer" includes the representative of the customer.

(i) "RPSA" means Railroad Passenger Service Act of 1970, as amended.

(Regulation 1)

§ 1124.2 Regulations regarding applicability, exemptions, and effective date.

(a) These regulations are binding on Amtrak and any carrier or agency providing intercity rail passenger service. Every carrier or other agency providing intercity passenger train service under agreement with Amtrak pursuant to the RPSA is bound, individually and jointly with Amtrak by these regulations, except to the extent that Amtrak or such other carrier or agency has control over the provision of the services, facilities or functions covered by these regulations, in which event sole responsibility for compliance with these regulations will be with the one controlling the service.

(b) All intercity passenger trains, Amtrak and non-Amtrak are subject to these regulations, unless specifically exempted as provided for in these regulations.

(c) Charter and excursion trains (whether operated by private parties or by a carrier), trains operated by tour companies for tour members rather than for the general public, and regularly scheduled intercity passenger trains operated by carriers whose aggregate regularly scheduled intercity passenger train-miles do not exceed 500 miles in any calendar day are hereby exempted from all the regulations except those pertaining to health and safety.

(d) Exemption may be obtained from all these regulations for reasonable periods of time, as to carriers, specific stations, and regularly scheduled intercity passenger trains for good cause shown upon petition to the Commission. Before any such petition for general exemption shall be considered, the carrier shall give notice to the Governor of each affected State (by mail) and to the public (by posting in every station, depot or other facility served by the train, trains, or carrier, as the case may be), at least 30 days in advance of the proposed action, unless, for good cause stated in the petition, the period should be shorter. The carrier shall certify to the Commission that the said notice has been given. Representations of the petitioning carrier and protestants will be considered before decision is reach on exemption.

(e) These regulations are promulgated as an aid to the rail passenger and shall not be so construed as to subject a passenger to a civil penalty for failure to comply herewith.

(f) Except where otherwise noted, these regulations shall take effect on April 1, 1974.

(Regulation 2)

RESERVATIONS

§ 1124.3 Reservations—General.

(a) A nationwide reservation and information system which includes all carriers providing intercity rail passenger service shall be readily available at any time of day or night to anyone located in the continental United States for the reservation of space on trains and for the dissemination of general train information. Each carrier may have its own reservation system provided it can be coordinated with the national system.

(b) The carriers shall provide the type of accommodations on the train and departure date confirmed to the customer and for which the customer paid.

(c) If a carrier cannot supply a customer with the type of accommodations on the train and departure date it confirmed to the customer and for which the customer paid, it shall fulfill its obligation under this regulation if it:

(1) Tenders to the customer without additional charge accommodations of a better type on the "confirmed" train and departure date or on a train scheduled to arrive within 4 hours of the "confirmed" train; or

(2) Tenders to the customer without additional charge accommodations of equal or better type on the next available train and provides food and shelter for the customer during the interim; or

(3) Employs other fair and reasonable means of relief to the customer, and the customer is satisfied with the relief given.

(d) All revenue sleeping-car and parlor-car space shall be available for specific assignment, and all carriers shall make provision for its advance reservation by customers.

(e) Sufficient revenue seats in coaches shall be made available to meet the normal demands of customers requesting reservations, and all carriers shall make

provision for advance reservation of coach-seat space by customers.

(1) The provisions of this subsection does not preclude, when warranted by the public demand, the operation of unreserved coach-seat trains in addition to "reserved-space" trains on routes capable of sustaining more than one train daily in each direction, provided that no more than 50 percent of the trains on any given route are unreserved coach-seat trains.

(2) The provisions of this subsection does not preclude, when warranted by the public demand, the operation of unreserved coach-seat cars on "reserved-space" trains in addition to reserved coach and other reserved cars.

(Regulation 3)

§ 1124.4 Reservation-making process.

(a) Upon receiving telephonic request for a reservation, the carrier shall determine space availability and shall inform the prospective customer of its findings promptly, or, if necessary to call back the prospective customer with such findings, to do so within an hour. For the purposes of these regulations, "telephonic" communications shall be considered to embrace teletype communications.

(b) If the prospective customer accepts the space the carrier has available, the carrier shall reserve such space in the customer's name and state to the customer the terms and conditions under which the reservation will be held.

(c) The terms and conditions under which reservations will be held must be just and reasonable under the circumstances.

(1) Under ordinary circumstances, it shall be deemed just and reasonable that reservations, once made, shall be held by the carrier for the customer at least until 30 minutes prior to the scheduled departure of the train from the customer's boarding point without requiring the customer to prepay the tickets.

(2) Under extraordinary circumstances, such as in holiday periods, carriers need not follow the 30-minute rule of paragraph (e) (1) of this section. However, alternate terms and conditions, to be considered just and reasonable, (i) must permit the holding of reservations for a sufficient period of time to enable a customer to pay for and thereby confirm the reservations, and (ii) shall be filed with the Commission immediately upon implementation together with supporting statements, and be subject to modification from time to time upon order of the Commission.

(Regulation 4)

§ 1124.5 Confirming a reservation.

(a) Upon receipt of a customer's payment for tickets in full, through major credit card or cash, the reservation shall be confirmed by the carrier by telephone or, upon reasonable request in writing, and shall be held for the customer at least until 30 minutes prior to the scheduled departure of the train from the customer's boarding point, unless canceled by the customer.

(1) Payment by means other than major credit card or cash may be accepted at the option of the carrier.

(2) The carrier shall impose no penalty upon a holder of a confirmed (paid) reservation who does not use and who fails to cancel a reservation, but the carrier may retain a service charge not in excess of 5 percent of the ticket price for failure to cancel such reservation.

(b) A customer who has paid for his tickets may request that confirmed space be held for an extended period of time. In such event, the carrier shall hold the space for the time requested unless canceled by the customer.

(1) If the customer cancels such reservation at least 30 minutes prior to departure, no penalty or service charge shall be imposed.

(2) If the customer, after requesting the carrier to hold his ticket for an extended period as described in paragraph (b) of this section, thereafter fails to cancel such reservation at least 30 minutes prior to departure, the carrier must refund the ticket price but may retain a service charge in an amount not exceeding 20 percent of the ticket price or the difference between the fare assessed the original customer and that which would be accessed a standby user, whichever is less. No service charge in excess of 5 percent of the ticket price can be imposed if the space held for the original customer is entirely resold at the price quoted the original customer, or if the carrier failed to hold the space for the customer.

(c) At points where tickets are available only on the train, carriers shall consider reservations confirmed and shall hold them until the departure time of the train from the point where the customer was to board, unless the customer cancels the reservation.

(Regulation 5)

PERFORMANCE OF TRAINS

§ 1124.6 Arrival and departure times.

(a) Under normal circumstances, a train because of carrier's failure to give ger-boarding station, except flag stops, earlier than its scheduled departure time. Where a customer misses the train because of carrier's failure to give adequate notice of a departure earlier than scheduled, the carrier shall, to the extent reasonably possible, mitigate inconvenience thereby caused the customer. This mitigation may take the form of providing food and shelter until the customer is boarded on the next available train or providing other reasonable means of transportation.

(b) Insofar as the scheduling and operation of any train is within a carrier's control, and where safe operation permits, the train shall arrive at its final terminus no later than 5 minutes after scheduled arrival time per 100 miles of operation, or 30 minutes after scheduled arrival time, whichever is the less.

(c) If a train arrives late at any scheduled destination by an amount of time greater than the permissible allowances set forth in subsection b, where safe operation would have permitted an earlier arrival, the delivering carrier and Amtrak, jointly and severally, shall be obligated to mitigate, to the extent reasonably possible, the inconvenience to customers whose travel plans are disrupted thereby. This mitigation may take the form of bridging a missed connection and providing food and shelter until such is accomplished, or other relief appropriate to the needs of and acceptable to, the customer; and the cost shall be borne by the carrier or carriers responsible for the delay.

(Regulation 6)

§ 1124.7 Expeditious service: Schedules shall be designed as to provide expeditious service.

(a) In order to facilitate expeditious service, all intercity passenger trains without the benefit of an exception are to be accorded priority over freight trains except in emergencies or unless the Commission has issued an order to the contrary in accordance with subparagraph b.

(b) Any railroad whose rights with regard to freight train operation are effected thereby may petition the Commission for an exemption to side-track intercity passenger trains other than those operated by or on behalf of Amtrak. Such petition may be granted upon a showing that non-exemption will materially lessen the quality of freight service provided to shippers, and subject to just and reasonable conditions.

(c) Schedules shall be designed so as to provide expeditious service, and in determining whether a schedule meets this requirement, consideration may be given (among other things) to the schedules of similar runs in prior timetables, and to any applicable Federal safety standards.

(Regulation 7)

§ 1124.8 Cancellation of scheduled trains—general.

Except for reason of health, or safety, or beyond the carriers' control, individual runs of scheduled trains shall not be canceled.

(Regulation 8)

§ 1124.9 Cancellation of scheduled trains—en route.

When a run is terminated en route, the carrier must;

(a) Make reasonable attempts to provide or procure alternate service to its onboard passengers and to provide food and shelter for them until they are able to resume their journey.

(b) Immediately notify all up-route stations of such cancellation.

(c) Make reasonable attempts to provide or procure alternate service for all passengers who were waiting at stations to board the train at the time of its cancellation and shelter them until it does so.

(Regulation 9)

§ 1124.10 Through car service and reasonable connections.

Through car service shall be provided between points designated as "points be-

tween which intercity passenger train shall be operated" in the service standards established in the *Final Report on the Basic National Rail Passenger System,* submitted by the Secretary of Transportation January 28, 1971, as amended by Act of Congress or by Commission decisions in discontinuance proceedings; and, at points where rail passenger lines meet so as to form a reasonably direct rail route between points on one line and points on the other line. Reasonable connections shall be provided as indicated in paragraphs (a) and (b) of this section.

(a) A connection between 12 p.m. and 6 a.m., is deemed reasonable if through car service is provided. If a carrier can demonstrate either (1) that immediate compliance is impossible, or (2) that after no less than 6 months' trial, market demand does not justify a connection, the carrier may upon petition, be exempted from this regulation by the Commission for such time as the Commission may deem appropriate in the circumstances. For the purposes of this regulation, impossibility of immediate compliance means any situation where facilitating a connection would require completion of a substantial undertaking such as, but not limited to, the construction of a track connection, or the negotiation of an interline contract between two or more carriers.

(b) A connection after 6 a.m. but before 12 p.m. is deemed reasonable if through car service is provided or if the layover does not exceed 4 hours. If a carrier can demonstrate that adherence to this rule would necessitate extra cars or trains not justified by market demand, it may, upon petition, be exempted from this regulation by the Commission for reasonable periods of time.

(Regulation 10)

STATION

§ 1124.11 Hours of operation.

(a) All stations other than flag stops shall be open to passengers and their attendants and be adequately patrolled for safety and security purposes for a sufficient period of time before departure of the train to enable passengers and their attendants to purchase tickets, check baggage, and perform other transportation related tasks, and for a sufficient time after arrival of a train to enable passengers and their attendants to retrieve checked baggage and obtain safe passage from the station.

(1) If a station has so little traffic that compliance with this regulation would impose a severe financial burden on the carrier, and if the provision of safe and adequate service at that location does not require an open station, the carrier may petition the Commission for relief from this regulation, giving timely notice to the community affected.

(2) If the Commission is satisfied that a station of the type described in *a* above when operated as an unopened station will not involve undue risk to the safety or comfort of the passenger, but will constitute reasonably safe and adequate service at that location, it may exempt such station from this regulation for reasonable periods of time.

(Regulation 11)

§ 1124.12 Consist of stations.

(a) All stations, and their adjoining service and parking areas, shall be provided with lighting adequate to permit their safe utilization by passengers.

(b) All stations shall be equipped with 24-hour telephone service and shall have adequate train information available.

(c) All stations shall have operating ticket sales facilities unless tickets are available on the train and sold without penalty for boarding without a ticket.

(d) Stations other than those operated as flag stops and those operated as unopened stations pursuant to Commission exemption shall have clean, serviceable restroom facilities with adequate toilet supplies, and the restroom areas shall be patrolled for safety while the station is open.

(Regulation 12)

§ 1124.13 Facilities for checked baggage in stations.

(a) All stations at which trains providing checked baggage service make scheduled stops; shall have facilities for the checking of passengers' baggage available up to 20 minutes prior to the departure from that station.

(b) A carrier may seek exemption from paragraph (a) of this section for stations other than those located in cities designated as "end points" by the Secretary of Transportation in his *Final Report on the Basic National Rail Passenger System,* submitted January 28, 1971, or as may be designated as "end points", provided the carrier, on petition to the Commission, can show:

(1) That in-station facilities for the checking of baggage at a particular location is not required by passenger usage of that station, and

(2) That it has adequate baggage assistance on board trains stopping at the station in question to enable the passengers at that station to have their baggage placed on the train, and, if possible on trains with checked-baggage service, to have their baggage checked if they so desire.

(c) If a carrier refuses to accept baggage after a point in time more than 20 minutes prior to the scheduled departure of a train with check-baggage service, the carrier shall forward the baggage by such means that the baggage will arrive at passenger's destination within 30 minutes of passenger's arrival at that destination.

(d) All checked baggage must be made available to the passenger within a reasonable time not to exceed 30 minutes after the passenger's arrival at his destination station.

(e) If a carrier fails to make checked baggage available within 30 minutes after arrival of the train with checked-baggage service on which the passenger was riding, it shall forward the baggage to the passenger at the carrier's expense.

(f) The carrier shall be responsible for the actual value of all checked baggage.

(Regulation 13)

CONSIST FOR TRAINS

§ 1124.14 Equipment required to meet public demand.

Carriers shall provide coaches, and where required by these regulations or by the standards established by the Secretary of Transportation in his *Final Report on the Basic National Rail Passenger System,* dining cars, lounge cars, dome cars, and parlor cars in sufficient numbers to meet the normal travel demands of the customers, including ordinary weekend demand and usual seasonal travel demand.

(a) Carriers shall also provide, to the extent equipment availability permits, additional units of the above-mentioned equipment during periods of predictable peak demands, such as holidays and special weekends, to meet the peak demands of its customers.

(1) If a carrier does not have sufficient equipment reserves to meet these predictable peak demands, it shall seek out from other reasonable sources, including noncarriers, railway cars which meet these regulations and the quality standards of the carrier, and shall use such cars to meet the obligation under paragraph (a) of this section.

(2) A private rail car tendered to a carrier for its use in meeting its obligations under regulation 14a shall not be denied carriage by any carrier during nonpeak travel periods when request upon reasonable terms is made for that carriage by the car's owner at least 30 days prior to anticipated movement provided such car meets the regulatory standards of safety and adequacy. This section shall not be construed to prohibit the carriage of non-carrier-owned rail cars that have not been tendered or used by a carrier, if they meet the applicable adequacy and safety regulations.

(b) Carriers shall facilitate railroad travel by elderly and handicapped persons, and to that end shall, to the extent financial resources permit, acquire or design and construct special facilities and equipment, eliminate architectural and other barriers in present equipment and facilities, and provide appropriate assistance to, from, and on trains and in terminals.

(Regulation 14)

§ 1124.15 Services required to meet public demand.

Carriers shall provide and maintain services on trains sufficient to assist all passengers with their train travel needs:

(a) These services shall include such things as baggage assistance, sleeping car room assistance, meal service, and train schedule information.

(b) Carriers shall, upon reasonable advance notice, provide to the extent reasonably possible, the necessary assistance

to customers who, because of age, physical condition, or dietary restrictions need special assistance in their travels.

(Regulation 15)

§ 1124.16 Baggage service on trains.

(a) All trains on trips scheduled for 200 miles or more shall have checked-baggage service en route. Trains on trips of less than 200 miles need not have checked-baggage service provided another train with checked-baggage service traverses the same route at least once daily in each direction.

(b) A carrier may seek exemption by petition from regulation 16 for a particular train or series of trains if:

(1) The train is of a design or function to which a conventional checked-baggage service is incompatible, and

(2) The carrier provides sufficient baggage assistance on board so that customers will not be burdened with self-handling of baggage, and

(3) There is adequate room on board the train so that the carry-on baggage is not a hindrance to the safety or comfort of passengers.

(c) An exemption petition under paragraph (b) of this section shall be accompanied by an affidavit that timely notice has been given to all carriers with which the train in question connects to form a through service.

(Regulation 16)

§ 1124.17 Food and beverage service.

(a) Carriers operating trains which travel for 2 hours or more shall make food and beverage service available at all times to all passengers on those trains. Complete meals shall be made available during customary dining hours.

(b) Food and beverages and the surroundings in which they are made available must comply with the health regulations of the Public Health Service as set forth in §§ 12.21 through 12.47 of Title 42 of the Code of Federal Regulations.

(c) A train traveling for 12 hours or more must have at least one full-service dining area where sit-down, complete meals are served, unless it has dining service available in the dome-lounge car, lounge car, or dome car, or has meal service available to sleeping car rooms, and at coach seats, serving complete meals and beverages.

(Regulation 17)

§ 1124.18 Temperature control.

(a) All regularly scheduled train cars must be equipped with operable climate conditioning equipment and be maintained at a room temperature of at least 60 degrees above zero Fahrenheit and no higher than 80 degrees above zero Fahrenheit.

(b) Should air conditioning or heat fail so that temperatures go beyond the range specified in paragraph (a) of this section, carriers shall offer the passengers affected alternate accommodations of similar or better type at no extra charge, or other appropriate relief.

(Regulation 18)

§ 1124.19 Sleeping cars.

(a) Private-room standard sleeping car service which includes private functioning restroom facilities shall be provided for all trains having a journey of 6 hours or more during the time period from midnight to 8 a.m.

(b) To the extent that such equipment is available, in addition to private-room standard sleeping car service, each train traveling 6 hours or more during the time period from midnight to 8 a.m. shall have at least one sleeping car, which because of its design or appointments, may be offered at a lower price, unless the carrier provides, in addition to overnight service, a daytime service over the same route. These may include slumber coach or berth car, or other type of private economy sleeping accommodations.

(1) A slumber coach is a car containing private rooms with private restroom facilities, but usually smaller than standard sleeping car rooms allowing more rooms per car and hence usually able to be rented at a lower price.

(2) A berth car is an open section car with beds enclosed behind draperies but without individual sink and toilet facilities thus allowing more passengers per car and hence usually able to be rented at a lower price.

(c) Sleeping car rooms and their restrooms, and berth cars shall be sanitary, free of debris and objectionable odors, and water tight. This regulation is one related to health, and no exemption can be made hereto.

§ 1124.20 Coaches.

(a) All coaches shall have functioning restroom facilities and drinking water available.

(b) Apparatus for support of legs or feet, reclining seats, and clean pillow shall be provided in all coaches on all trains having a journey of 4 hours or more during the time period from 10 p.m. to 8 a.m.

(c) Coaches, including restrooms, shall be sanitary, water tight, and free of debris and objectionable odors. This regulation is one related to health, and no exemption can be made hereto.

(Regulation 20)

§ 1124.21 Nonrevenue space.

(a) On trains traveling for 6 hours or more, nonrevenue lounge space shall be provided. Dome or flat-top observation car may be used to fulfill a carrier's obligation under this regulation.

(b) To the extent that such equipment is available, on trains traveling for 16 hours or more, at least one dome car shall be provided where railroad clearances permit the use of such cars. If railroad clearances prevent the use of such cars, flat-top observation cars shall be substituted to the extent such cars are available.

(Regulation 21)

§ 1124.22 Allocation of space for nonsmokers and smokers.

(a) Smoking shall not be permitted on trains except in appointed areas with fire-resistant materials and equipped with ventilation systems adequate to exchange air completely in reasonably short periods of time.

(b) In train cars meeting the above requirements, smoking may be permitted as follows:

(1) Smoking may be permitted in private-room sleeping cars.

(2) Smoking may be permitted in up to one-half of the space in a car which is the sole one of its type in the consist, or if there is more than one car of this type in the consist, smoking may be permitted in a ratio of up to one smoking car for every nonsmoking car of its type in the consist. Unreserved coach, reserved coach, parlor car, dining car, dome car, and lounge car shall each be considered a separate "type" of car.

(3) Carriers may prohibit smoking altogether in nonrevenue lounge and dome cars, in dining cars, and between midnight and 8 a.m., in coaches except their lounge sections.

(Regulation 22)

PENALTIES AND ENFORCEMENT

§ 1124.23 Prescription of penalties for carriers in violation.

Any carrier which the Commission finds to be in violation of any of these regulations shall be subject to the penalties proscribed in section 801 of the Rail Passenger Service Act of 1970, unless such carrier takes corrective action as prescribed by the Commission (in the manner set forth elsewhere in these regulations), or, in a manner acceptable to the Commission and passenger, provides satisfaction to passengers injured as a result of the violation.

(Regulation 23)

§ 1124.24 Complaint procedure.

(a) This complaint procedure shall be initiated upon receipt by the Commission of two copies of a complaint stating the following:

(1) Train name (if any) and number, or location of station.

(2) Date of alleged violation.

(3) Location of entraining point.

(4) Location of detraining point.

(5) Description of alleged violation.

(6) Relief offered by carrier, if any, and reasons why relief was unacceptable.

(7) Requested relief.

(8) Name and address of complainant.

(b) A copy of the complaint shall be served by the complainant on the carrier or carriers against whom a violation is alleged.

(c) Carriers shall make complaint forms similar to the one attached hereto

readily available on all trains and in all stations to facilitate their use by passengers.

(1) Notices as to where passengers may obtain such forms shall be conspicuously posted in each train car and in each station.

(2) Failure to use a complaint form shall not preclude a passenger from filing a complaint, provided that it is in accordance with paragraph (a) of this section.

(d) The carrier, within 15 days after receipt of the complaint, shall notify the Commission and the complainant of the action it will take to correct the matter that led to the complaint, or of the reasons why it does not believe the matter complained of constitutes a violation of these regulations.

(e) If the complainant notifies the carrier and the Commission that the carrier's reply or proposed remedy is not acceptable, the Commission will take such steps as it deems appropriate in the circumstances, including, but not limited to, further efforts to mediate the controversy, or a formal investigation or dismissal of the complaint, or procedures directed at obtaining assessment of a fine or fines against culpable carriers pursuant to section 801 of RPSA.

(f) Dependent upon the nature and effects of the matter complained of, the Commission may construe a group of complaints or each complaint as involving a separate alleged violation.

(Regulation 24)

§ 1124.25 Commission initiation of proceedings on own motion.

The Commission, upon its own motion, may institute a complaint proceeding to determine a violation of these regulations.

(Regulation 25)

§ 1124.26 Execution of penalties against carriers in violation.

Where the Commission finds that a violation of these regulations has occurred, the matter may be referred to the Department of Justice for appropriate enforcement under section 801 of the Rail Passenger Service Act or the Commission may take such other steps as it deems appropriate in the circumstance, including among others, informal or formal steps to settle the matter in dispute on a fair and equitable basis.

(Regulation 26)

§ 1124.27 Safety.

The regulations in chapter II of this title, parts 225, 228, 230–234, and 236, prescribed by the Federal Railroad Administration, Department of Transportation, under rail safety statutes, are hereby adopted, confirmed, and continued in effect until modified or superseded by appropriate authority as to intercity rail passenger service.

(NOTE: This regulation was formerly cited as § 1124.1)

(Regulation 27)

§ 1124.28 Modification of regulations.

These regulations shall be amendable by the Commission, pursuant to established rulemaking procedures.

(Regulation 28)

[FR Doc.74–192 Filed 1–3–74;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN ASPARAGUS

Extension of Comment Period

This notice extends the period for comments to the notice of proposed rulemaking, published September 11, 1973 (38 FR 24910) proposing a revision of the United States Standards for Grades of Frozen Asparagus and which had an original deadline for comments of October 31, 1973.

As a result of the comments received, the Department concurs with requests that an extension of the comment period be provided in order to allow additional time for further study and consideration of the proposal. The comment period is hereby extended to February 28, 1974.

Dated: December 27, 1973.

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

[FR Doc.74-258 Filed 1-3-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

ACCOUNTING INTERPRETATIONS FOR RURAL ELECTRIC BORROWERS

Accounting for Patronage Capital

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue a new supplement to REA Bulletin 181-3, Accounting Interpretations for Rural Electric Borrowers.

Persons interested in the provisions of the new supplement may submit written data, views, or comments to the Director, Accounting and Auditing Division, Room 4307, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director, Accounting and Auditing Division, during regular business hours.

[Accounting Interpretation No. 618]

ACCOUNTING FOR PATRONAGE CAPITAL ALLOCATED BY THE NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORPORATION

I. *General.* In accordance with its Articles of Incorporation and Bylaws, the National Rural Utilities Cooperative Finance Corporation (CFC) may allocate patronage capital to its members. The allocations are made on a patronage basis, which includes both long-term debt and short-term loans.

II. *Questions and Answers.*—1. *Question.* What account is debited to record the patronage capital allocation?

Answer. Account 123.1, Patronage Capital from Associated Cooperatives.

2. *Question.* What account or accounts are credited for the patronage capital allocation when the borrower has incurred interest expense during the period of allocation:

a. On both long-term debt and short-term loans?

b. On either long-term debt or short-term loans?

c. On both, or either long-term debt and short-term loans, and has capitalized the interest by debiting Account 107, Construction Work in Progress—Electric, and credited Accounts 419.1, Allowance for Funds Used During Construction, or Account 427.3, Interest Charged to Construction—Credit?

Answer. a. Credit Account 427.2, Interest on Other Long-Term Debt, for that portion of the patronage capital allocated pertaining to interest on long-term debt, based on the dollar ratio of total interest expense (long-term debt and short-term loans) to the patronage capital allocation.

Credit Account 431, Other Interest Expense, for that portion of the patronage capital allocated pertaining to interest on short-term loans based on the dollar ratio described in the paragraph above.

b. Long-term debt—Credit Account 427.2, Interest on Other Long-Term Debt.

Short-term loans—Credit Account 431, Other Interest Expense.

c. Credit the account or accounts applicable as described in answers "a" and "b" above. In this case, another journal entry is required as follows:

Debit Account 427.2, Interest on Other Long-Term Debt, and/or Account 431, Other Interest Expense.

Credit Account 107, Construction Work in Progress—Electric.

NOTE: For purposes of this interpretation, it is assumed that the subaccount 427.2, Interest on Other Long-Term Debt, is used. If Account 427.2 is not used, substitute Account 427, Interest on Long-Term Debt, wherever Account 427.2 is used.

Dated December 20, 1973.

GEORGE P. HERZOG,
Acting Administrator.

[FR Doc.74-146 Filed 1-3-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Acting Commissioner of Social Security, wth the approval of the Secretary of Health, Education, and Welfare. The proposed amendments add new Subpart N (Determinations, Reconsideration, Hearings, Appeals, and Judicial Review) to the new (20 CFR Part 416). Part 416 comprises the policies and procedures for payment of supplemental security income to aged, blind, or disabled individuals under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Public Law 92-603), enacted October 30, 1972. This amendment to title XVI of the Social Security Act is effective January 1, 1974.

The proposed regulations included herein describe the mandatory first step in the title XVI appellate process for all appeals except for cases involving an initial determination of medical cessation of disability. If the recipient or applicant does not request the mandatory reconsidration, he forfeits his right to further appeal. Initial determinations involving medical cessation of disability will be appealed by the recipient directly to a statutory hearing before an official of the Bureau of Hearings and Appeals of the Social Security Administration.

Provisions of Subpart N with respect to initial determinations which lead to reconsideration, hearings, Appeals Council review, and judicial review, as well as the conduct of hearings, Appeals Council review, and the right to judicial review will be published at a later date with opportunity for interested parties to comment.

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

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 4, 1974.

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

The proposed amendment is to be issued under the authority contained in sections 1102, and 1631, 49 Stat. 647, as

amended, 86 Stat., 1476, (42 U.S.C. 1302, 1383).

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

Dated: October 18, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: December 21, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Title 20 of Chapter III of the Code of Federal Regulations is amended by adding thereto new Subpart N to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974–)

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

Sec.

416.1408 Reconsideration; right to reconsideration.
416.1410 Mandatory nature of reconsideration.
416.1412 Time and place of filing request.
416.1414 Parties to the reconsideration.
416.1415 Notice of reconsideration.
416.1416 Reconsidered determination.
416.1417 Reconsideration procedures.
416.1418 Reconsideration of initial determination on applications.
416.1419 Reconsideration of initial determinations of continuing eligibility (post-eligibility claims).
416.1420 Continuation of payment.
416.1421 Notice of reconsidered determination.
416.1423 Effect of reconsidered determination.

Subpart N—Determinations, Reconsideration, Hearings, Appeals, and Judicial Review

§ 416.1408 Reconsideration; right to reconsideration.

With one exception, any party to an initial determination who is dissatisfied with such initial determination may request that the Administration reconsider such initial determination. Except as provided in § 416.1336, initial determinations on continuing eligibility involving cessation of disability due to medical improvement may only be appealed directly to the hearing as provided in § 416.1425. The Administration may also reconsider an initial determination if a written request for reconsideration is filed by an individual who was not a party to the initial determination, but who makes a showing in writing that he may be prejudiced by such determination.

§ 416.1410 Mandatory nature of reconsideration.

Reconsideration shall be the mandatory first step with respect to the appeal of an initial determination, except for appeals by parties who have initial determinations on continuing eligibility involving cessation of disability due to medical improvement which are appealed directly to the statutory hearing. There shall be no right to further appeal of an initial determination unless the party to such determination requests reconsideration within the time specified in § 416.1412.

§ 416.1412 Time and place of filing request.

The request for reconsideration shall be made in writing and filed at an office of the Administration within 30 days from the date of receipt of notice of the initial determination, unless such time is extended as specified in § 404.953 of this title. For purpose of effectuating administrative actions flowing from an initial determination, the party shall be presumed to have received the notice within 5 days from the date thereon, unless there is a reasonable showing to the contrary.

§ 416.1414 Parties to the reconsideration.

The parties to the reconsideration shall be the persons who were the parties to the initial determination and may also include a person who has shown in writing that he may be prejudiced by such determination as specified in § 416.1408.

§ 416.1415 Notice of reconsideration.

If the request for reconsideration is filed by a person other than the party to the initial determination, the Administration shall, before such reconsideration, mail a written notice to such party at his last known address, informing him that the initial determination is being reconsidered. In addition, the Administration shall give such party a reasonable opportunity to present such evidence and contentions as to fact or law he may desire relative to the determination.

§ 416.1416 Reconsidered determination.

The Administration shall, when a request for reconsideration has been filed, as specified in § 416.1412, reconsider the initial determination in question and the findings on which it was based in the manner described in § 416.1418 or § 416.1419; and upon the basis of the evidence considered in connection with the initial determination and whatever other evidence is submitted by the parties or is otherwise obtained, the Administration shall make a reconsidered determination affirming or revising, in whole or in part, the findings and determination in question.

§ 416.1417 Reconsideration procedures.

The reconsideration procedures described in paragraphs (a), (b), and (c) of this section will be used dependent upon the category of appeal as specified in § 416.1418 and § 416.1419.

(a) *Case review.* After the party or his representative is given opportunity to present oral and written evidence to an official of the Administration, the case review shall consist of a thorough review of all evidence on record, including additional evidence submitted by the party or his representative or secured by the Administration.

(b) *Informal conference.* The informal conference will consist of the procedure specified in paragraph (a) of this section and, additionally, will provide the party or his representative an opportunity to present witnesses and to review the evidence of record. Also, a summary record of the proceedings shall be prepared and made a part of the case file. The official of the Administration conducting the informal conference will render the reconsidered determination.

(c) *Formal conference.* The formal conference will consist of the procedure specified in paragraph (b) of this section, and, additionally, will provide the party or his representative an opportunity to request that the Administration subpoena adverse witnesses and provide for cross-examination of the adverse witnesses by the party or his representatives. The official of the Administration conducting the formal conference will render the reconsidered determination. Such official of the Administration must not have had prior involvement with the initial determination being reconsidered.

(d) *Arrangement for conference.* Upon receipt of a request for an informal or formal conference, the Administration shall set the date, time, and place of such conference to be held within 15 days from the date of the request, written notice of which, unless waived by a party, shall be mailed to the parties at their last known addresses or given to them by personal service, not less than 10 days prior to such time (unless the party and the Administration agree to an earlier date). A later date may be set by the Administration, at its discretion or upon request of the parties, provided the Administration deems such delay necessary to ensure efficient and proper conduct of the conference. The conference shall be held at an office of the Administration, by telephone or in person, at the option of the party to the reconsideration. It may also be held in person elsewhere, when the party makes a showing that this is reasonably necessary in light of the circumstances.

§ 416.1418 Reconsideration of initial determinations on applications.

(a) *Nonmedical issues.* When a request for reconsideration of initial determination on an application has been filed, the subject of which is a nonmedical issue, the Administration shall offer the parties to the initial determination an opportunity for a case review or an informal conference (see § 416.1417 (a) and (b)). On the basis of such case review or informal conference, the Administration shall render a reconsidered determination as specified in § 416.1416.

(b) *Medical issues.* When a request for reconsideration of initial determination on an application has been filed, the subject of which is a medical issue, the Administration shall offer the parties to the initial determination an opportunity for a case review (see § 416.1417(a)) or, at the discretion of the Administration, an informal conference (see § 416.1417(b)). On the basis of such case review or informal conference, the Administration

shall render a reconsidered determination as specified in § 416.1416.

§ 416.1419 Reconsideration of initial determinations of continuing eligibility (post-eligibility claims).

(a) *Advance notice of adverse action required.* Subpart M of this part describes the conditions under which the Administration shall give notice to the parties of an adverse post-eligibility initial determination involving a reduction, suspension, or termination of benefits in advance of effectuation. Upon receipt of a timely filed request for reconsideration of such initial determination, the Administration shall continue benefits as specified in § 416.1420 and provide the parties thereto an opportunity for a formal conference (or at the option of the parties, an informal conference or a case review). The parties will be advised of their rights which may be exercised at the formal conference, informal conference, or upon case review as specified in § 416.1417 (a) (b) and (c). On the basis of such formal conference, informal conference, or case review, the Administration shall render a reconsidered determination as specified in § 416.1416.

(b) *Advance notice of adverse action not required.* The conditions under which the Administration may effectuate adverse post-eligibility initial determinations involving reductions, suspensions, or terminations of benefits without advance notice to the parties to such initial determinations are described in Subpart M of this part. Upon receipt of a timely filed request for reconsideration of such initial determination, the Administration shall provide the parties thereto an opportunity for a case review or an informal conference (see § 416.1417(a) and (b)). On the basis of such case review or informal conference, the Administration shall render a reconsidered determination as specified in § 416.1416.

§ 416.1420 Continuation of payment.

Whenever the Administration renders an initial determination requiring advance notice to the party thereto as described in Subpart M of this part, payment shall be continued at the previously established level (subject to the effects of intervening events on the payment level, which do not require advance notice to the party) for 30 days from the date the party receives the notice. Furthermore, when a request for reconsideration of such initial determination is received within the time limit specified in § 416.1412, payment shall be continued to the party at the previously established level (subject to the effects of intervening events on the payment level, which do not require advance notice to the party) until a reconsideration determination is rendered.

§ 416.1421 Notice of reconsidered determination.

Written notice of the reconsidered determination shall be mailed to the parties at their last known addresses. The reconsidered determination shall state the basis therefor and inform the parties of their right to a hearing.

§ 416.1423 Effect of reconsidered determination.

The reconsidered determination shall be final and binding upon all the parties to the reconsideration unless a hearing is requested and a decision rendered or unless such determination is reopened and revised.

[FR Doc.74-68 Filed 1-3-74;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Filing Applications and Other Forms

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments adding new Subpart C would establish the substantive rules regarding the filing of an application, the prospectivity and retroactivity of such application, and the protection to be afforded by such filing. In this regard, it will encompass the full range of rules required to be published, or serving to give direction and guidance to the public.

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

Prior to final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 4, 1974.

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

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

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 21, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto a new Subpart C to read as follows:

Subpart C—Filing of Applications and Other Forms

Sec.
416.300 Application requirement.
416.301 Meaning of terms.
416.305 Prescribed application forms.
416.310 Execution of application.
416.315 Evidence of authority to execute an application on behalf of another.
416.320 Claimant must be alive when application is filed.
416.325 Periods for which applications are effective.
416.330 When an application is considered to have been filed, time and place of filing.
416.335 When written statement considered an application.
416.340 Withdrawal of application.
416.345 Cancellation of request for withdrawal.

AUTHORITY: Secs. 1102, 1611, and 1631, 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1475; 42 U.S.C. 1302, 1382, 1383.

Subpart C—Filing of Applications and Other Forms

§ 416.300 Application requirement.

(a) *Eligible individual.* An individual must file an application in order to establish status as an eligible individual, unless such individual was the recipient of aid or assistance for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act.

(b) *Eligible spouse.* An individual must file an application in order to establish status as an eligible spouse, unless such individual was the recipient of aid or assistance for the month of December 1973 under a State plan approved under title I, X, XIV, or XVI of the Act.

(c) *Eligible spouse; living apart.* If an eligible spouse lives apart from an eligible individual for more than 6 months, a new application is not needed to convert the spouse's status to that of an eligible individual.

(d) *Eligible spouse; death of eligible individual.* If the eligible individual dies, a new application is not needed to convert the status of an eligible spouse to that of an eligible individual.

(e) *Disability or blindness ceases; eligible individual age 65.* If eligibility was based on disability or blindness and the eligible individual is at least age 65 when his eligibility on the basis of disability or blindness terminates, a new application is not required to continue the recipient's eligibility.

(f) *Supplemental security income for the aged, blind, and disabled.* For purposes of this subpart, the term "supplemental security income for the aged, blind, and disabled" also includes any federally administered State supplementation payment.

§ 416.301 Meaning of terms.

(a) *Claimant defined.* The term "claimant" for purposes of this subpart refers to the individual who has filed on his own behalf, or on whose behalf a proper party under § 416.310 has filed, an application for supplemental security income for the aged, blind, and disabled.

(b) *Applicant defined.* The term "applicant" for purposes of this subpart refers to the individual who has filed an application on his own behalf or on behalf of another for supplemental security income for the aged, blind, and disabled.

(c) *Application defined.* Unless otherwise specified, the term "application" refers only to an application on a form prescribed in § 416.305.

(d) *Filing of application on prescribed form.* Except as provided in § 416.335, an individual has not "filed an application" for purposes of establishing eligibility for supplemental security income for the aged, blind, and disabled until an application on a form prescribed in § 416.305 has been filed in accordance with the regulations in this subpart.

(e) *Execution of application defined.* The term "to execute an application" (or a written statement, request, or notice) means the completion and signing of the application (or written statement, request, or notice). Irrespective of who may have completed the items on the application, or written statement, request, or notice, the document is considered to have been executed by or on behalf of such claimant when it is signed by the claimant (or an individual authorized to do so in his behalf under § 416.310).

§ 416.305 Prescribed application forms.

Application may be made as prescribed in this Subpart C on such forms and in accordance with such instructions (as provided thereon or attached thereto) as are prescribed by the Administration. (See Part 422 of this chapter for list of appropriate forms.)

§ 416.310 Execution of application.

The Administration determines who is the proper party to execute an application for benefits in accordance with the following rules:

(a) If the claimant has attained the age of 18, is mentally competent, and is physically able to execute the application, the application should be executed by him. Where, however, paragraph (d) of this section applies, the application may be executed by the claimant's legal guardian, committee or other representative.

(b) If the claimant is between the ages of 16 and 18, is mentally competent, has no legally appointed guardian, committee or other representative, and is not in the care of any person, such claimant may execute the application.

(c) If the claimant is mentally competent but has not attained age 18 and is in the care of a person, the application may be executed by such person.

(d) If the claimant (regardless of his age) has a legal guardian, committee or other representative, the application may be executed by such guardian, committee or representative.

(e) If the claimant (regardless of his age) is mentally incompetent or is physically unable to execute the application, it may be executed by the person who has the claimant in his care or by a legally appointed guardian, committee or other representative.

(f) Where the claimant is in the care of an institution and is not mentally competent or physically able to execute an application, the manager or principal officer of such institution may execute an application.

(g) For good cause shown, the Administration may accept an application executed by a person other than one described in paragraphs (a) through (f) of this section.

§ 416.315 Evidence of authority to execute an application on behalf of another.

Where the application is executed by a person other than a claimant, such person shall, at the time of filing the application, or within a reasonable time thereafter, file evidence of his authority to execute the application on behalf of such claimant in accordance with the following rules:

(a) If the person executing the application is the legally appointed guardian, committee or other legal representative of such claimant, the evidence shall be a certificate executed by the proper official of the court of appointment.

(b) If the person executing the application is not such a legal representative, the evidence shall be a statement describing his relationship to the claimant and, except where the application is executed by a parent or spouse of a parent on behalf of a child with whom he is living, the extent to which he has the care of such claimant, or his position as an officer of the institution of which such claimant is an inmate. The Administration may, at any time, require additional evidence to establish the authority of any such person.

§ 416.320 Claimant must be alive when application is filed.

For an application to be effective the claimant must be alive at the time a properly executed application is filed.

§ 416.325 Periods for which applications are effective.

(a) *Prospective life.* An application for supplemental security income for the aged, blind, and disabled filed before the claimant meets all the requirements for eligibility will be deemed a valid application if the claimant meets the eligibility requirements before the Secretary makes a final decision on such application; or if a timely request for judicial review has been filed, before such review is completed.

(b) *Retroactive life.* An application for supplemental security income for the aged, blind, and disabled has a retroactive life to the first day of the month in which it is filed, assuming all eligibility factors are met in that month.

(c) *Termination affirmed but eligibility reestablished.* If an individual has been notified of the termination of his eligibility, and during the appeal process it is determined that his eligibility had terminated but during the period of appeal his eligibility is reestablished, no new application is required to reentitle him to payment beginning with the first month he is again eligible.

(d) *Eligibility ended during redetermination period, but eligibility reestablished.* If, as a result of the redetermination, it is found that the claimant was not eligible for payment during any part of the past period, but that eligibility currently exists, a new application is not necessary to reestablish entitlement.

§ 416.330 When an application is considered to have been filed, time and place of filing.

(a) *Date of receipt.* An application is considered to have been filed only as of the date it is received at an office of the Social Security Administration or any other Federal or State office designated to receive such application or by an individual who has been authorized to receive such application.

(b) *Date of mailing.* If the application is deposited in and transmitted by the U.S. mail and the fixing of the date of delivery as the date of filing would result in the loss or impairment of rights, it is considered received as of the date of mailing. If the application is received in the first 5 days of the month, it will be presumed, in the absence of evidence to the contrary, that it was mailed before the end of the preceding month.

§ 416.335 When written statement considered an application.

(a) *Written statement filed by individual on his own behalf.* When an individual files a written statement with the Administration that indicates an intention to claim supplemental security income for the aged, blind, and disabled and such statement bears his signature or his mark properly witnessed, the filing of such written statement is, unless otherwise indicated, considered to be the filing of an application for such purposes provided:

(1) The individual or a proper party on his behalf executes a prescribed application that is filed with the Administration during the individual's lifetime within the period prescribed in paragraph (d)(1) of this section; or

(2) In the case of an individual who dies before the filing of a prescribed application form within the period specified in paragraph (d)(1) of this section, a prescribed application form is filed with the Administration within the period prescribed in paragraph (d)(2) of this section by or on behalf of the spouse of such individual.

(b) *Written statement filed by person on behalf of another.* A written statement filed by an individual that indicates an intention to claim, on behalf of another person, supplemental security income for the aged, blind, and disabled is, unless otherwise indicated, considered to be the filing of an application for such purposes, provided:

(1) The written statement bears the signature (or mark properly witnessed) of the person filing the statement;

(2) The statement is filed by:

(i) The spouse of the individual on whose behalf the statement is filed, or;

(ii) A proper party to execute an application on a prescribed form on behalf of a claimant as determined by § 416.310.

(c) *Written statement presumed to be filed on behalf of spouse.* A written statement filed by an individual that indicates an intention to claim supplemental security income for the aged, blind, and disabled is considered an intention to claim benefits on behalf of the individual's spouse who is aged, blind, or disabled, if such spouse is mentioned.

(d) *Period within which prescribed application form must be filed.* After the Administration has received from an individual a written statement as described in paragraph (a), (b), or (c) of this section:

(1) Notice in writing shall be sent to such individual or (where he is a minor or incompetent) to the person who submitted the written statement on his behalf, stating that an initial determination will be made with respect to such written statement if a prescribed application form, executed by him (or by a proper party on his behalf) is filed within 30 days of such notice; or

(2) If the Administration is notified that the death of such individual occurred before the mailing of the notice described in subparagraph (1) of this paragraph or within the 30-day period following the mailing of such notice but before the filing of a prescribed application form by or on behalf of such individual, notification in writing shall be sent to the spouse of such individual. Such notification will include information that an initial determination will be made only if a prescribed application form is filed within 30 days from the date of notification.

(3) If, after notice as described in this paragraph has been sent, a prescribed application is not filed within the applicable period prescribed in subparagraphs (1) or (2) of this paragraph, it will be deemed that the filing of the written statement to which the notice refers is not to be considered the filing of an application for the purposes set forth in paragraphs (a), (b), and (c) of this section.

§ 416.340 Withdrawal of application.

(a) *Before adjudication of application.* A claimant (or an individual who is authorized to execute an application on his behalf) may withdraw his previously filed application if:

(1) He files a written request for withdrawal, and

(2) The claimant is alive at the time the request for withdrawal is filed, and

(3) The Administration approves the request for withdrawal, and

(4) The request for withdrawal is filed on or before the date the Administration makes a determination on the application.

(b) *After adjudication of the application.* An application may be withdrawn by a written request filed after the Administration makes a determination on the application provided that:

(1) The conditions enumerated in subparagraphs (1) through (3) of paragraph (a) of this section are met, and

(2) Any other person whose entitlement would be rendered erroneous by such withdrawal consents in writing thereto (or such written consent is given on behalf of such other person by an individual authorized to execute an application on his behalf), and

(3) There is repayment of the amount of benefits previously paid because of the application that is being withdrawn or it can be established to the satisfaction of the Administration that repayment of any such amount is assured.

(c) *Effect of withdrawal of application.* Where a request for withdrawal of an application is filed and such request is approved by the Administration, such application will be deemed not to have been filed. After the withdrawal (whether made before or after the date the Administration makes a determination) further action will be taken by the Administration, except as provided in § 416.345, only upon the filing of a new application.

§ 416.345 Cancellation of request for withdrawal.

Before or after a written request for withdrawal has been approved by the Administration, the claimant (or a person who is authorized under § 416.310 to execute an application on his behalf), may request that the "request for withdrawal" be canceled and that the withdrawn application be reinstated. Such request for cancellation must be in writing and must be filed, in a case where the requested withdrawal was approved by the Administration, no later than 60 days after the date of such approval. The claimant must be alive at the time the request for the cancellation of the "request for withdrawal" is filed with the Administration.

[FR Doc.74-70 Filed 1-3-74;8:45 am]

[20 CFR Part 416]

[Regs. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Representative Payee

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment reflects and implements the provisions of title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603), which authorize the Secretary to pay benefits under the Supplemental Security Income program for the aged, blind, and disabled to a representative payee on behalf of an eligible recipient. If a recipient is entitled to benefits on the basis of disability and is medically determined to be a drug addict or an alcoholic, the statute provides for the payment of benefits on the recipient's behalf to a representative payee. The proposed regulations include a detailed statement of the duties and responsibilities of a representative payee with respect to the use of benefits paid to him on behalf of an eligible person.

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

Prior to final adoption of the proposed amendment to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 4, 1974.

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

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

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 21, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Chapter III of Title 20 of the Code of Federal Regulations is amended by adding Subpart F of new Part 416 to read as follows:

Subpart F—Representative Payee

Sec.

416.601 Payments on behalf of a recipient.
416.610 Submission of evidence by representative payee.
416.620 Responsibility of representative payee.
416.630 Use of benefits for current maintenance.
416.640 Use of payments for recipient in institution.
416.650 Conservation of payments.
416.670 Claims of creditors.
416.680 Transfer of accumulated benefits.
416.690 Accountability.

AUTHORITY: Secs. 1102, 1611(e), and 1631 (a), 49 Stat. 647, as amended, 86 Stat. 1467, 1475; 42 U.S.C. 1302, 1382, and 1383.

Subpart F—Representative Payee

§ 416.601 Payments on behalf of a recipient.

(a) *Payments to recipient or representative payee.* When it appears to the Administration that the interest of a recipient of payments under title XVI of the Act would be served thereby, certification of payment may be made by the Administration, regardless of the legal

competency or incompetency of the recipient eligible thereto, either for direct payment to such recipient, or for his use and benefit to a relative or some other person (including an appropriate public or private agency) as the "representative payee" of the recipient. In the case of a disabled person who is medically determined to be a drug addict or an alcoholic, but who is an eligible individual or an eligible spouse in accordance with section 1611(e)(3)(A) of the Act, the Administration will provide for the payment of benefits to a representative payee, as specified by section 1631(a)(2) of the Act. This may be accomplished through a variety of arrangements, such as certification of payment to an individual interested in or concerned with the eligible individual or eligible spouse, to a treatment facility or center providing services to such individual or spouse, to a social services agency concerned with drug addiction or alcoholism, or to any other individual or agency which is found appropriate for this purpose. These arrangements will be utilized to the end that payment of benefits for all such eligible individuals and eligible spouses will be made to a representative payee. When it appears that an individual (other than a disabled person who is medically determined to be a drug addict or an alcoholic) who is receiving payments may be incapable of managing such payments in his own interest, the Administration shall, if such individual is age 18 or over and has not be adjudged legally incompetent, continue payments to such individual pending a determination as to his capability of managing payments and the selection of a representative payee.

(b) *Effect of payments to representative payee.* Payments made in accordance with paragraph (a) of this section to a representative payee of an eligible individual or eligible spouse shall constitute payments to such eligible individual or eligible spouse.

§ 416.610 Submission of evidence by representative payee.

Before any amount shall be certified for payment to a representative payee for and on behalf of a recipient, such representative payee shall submit to the Administration such evidence as it may require of his or her care and concern for, relationship to, or responsibility for the care of, the recipient on whose behalf payment is to be made, or of his or her authority to receive such payment. The Administration may, at any time thereafter, require evidence of the continued existence of such concern, relationship, responsibility or authority. If any such representative payee fails to submit the required evidence within a reasonable period of time after it is requested, no further payments shall be certified to the representative payee on behalf of the recipient unless, for good cause shown, the default of such representative payee is excused by the Administration, and the required evidence is thereafter submitted.

§ 416.620 Responsibility of representative payee.

A representative payee to whom certification of payment is made on behalf of an eligible individual or an eligible spouse shall, subject to review by the Administration and to such requirements as it may from time to time prescribe, apply the payments certified to him on behalf of such recipient(s) only for the use and benefit of such recipient(s) in the manner and for the purposes determined by him to be in the best interests of such recipient(s).

§ 416.630 Use of benefits for current maintenance.

Payments certified to a representative payee on behalf of a recipient shall be considered as having been applied for the use and benefit of the recipient when they are used for the recipient's current maintenance. Where a recipient is receiving care in an institution (see § 404.1634 of this chapter), current maintenance shall include the reasonable and customary charges made by the institution to individuals it provides with care and services like those it provides the recipient and the reasonable costs of current and forseeable needs of the recipient which are not met by the institution.

§ 416.640 Use of payments for recipient in institution.

(a) *Institution not receiving Medicaid funds in recipient's behalf.* Where a recipient is confined in an institution because of mental or physical incapacity, the representative payee to whom payments are certified on behalf of the recipient shall give highest priority to expenditures for personal needs as well as for other current maintenance needs of the recipient, including the customary charges made by the institution (see § 416.630) in providing care and maintenance. It is considered in the best interests of the recipient for the representative payee to whom payments are certified on the recipient's behalf to allocate expenditure of the payments so certified in a manner which will facilitate the recipient's earliest possible rehabilitation or release from the institution or which otherwise will help the recipient live as normal a life as practicable in the institutional environment. (See § 416.231 for limitation on eligibility due to institutional status.

(b) *Facility receiving Medicaid funds on recipient's behalf.* Where a recipient is in a hospital, skilled nursing facility, or intermediate care facility throughout a month and such facility is receiving Medicaid funds on such recipient's behalf, any payments due shall be used primarily for the personal needs of the recipient. Any funds remaining after personal needs have been reasonably met may be accumulated in a trust account for needs that can be expected to arise in the immediate and foreseeable future.

§ 416.650 Conservation of payments.

Where the representative payee to whom payments are certified on behalf of a recipient finds it advisable, a part of the monthly payment may be conserved for foreseeable future needs, e.g., payment of annual taxes on a home, provided the current needs of the recipient are being reasonably met. (See Subpart L of this part for effect of conserved payments on amount of countable resources.) Conserved funds may be invested in accordance with the rules applicable to investment of trust estates by trustees. For example, these funds may be deposited in an interest or dividend bearing account in a bank or trust company or in a savings and loan association if the account is either federally insured or is otherwise insured in accordance with State law requirements. Funds so deposited must be in a form of account which clearly shows that the representative payee has only a fiduciary, and not a personal, interest in the funds. The preferred form of such account is as follows:

_____
(Name of recipient)
by
_____
(Name of representative payee)
representative payee (or trustee).

Any other conservation of the recipient's funds made by the representative payee must clearly show that the payee holds the property in trust for the recipient.

§ 416.670 Claims of creditors.

A representative payee to whom payments under title XVI of the Act are certified on behalf of a recipient may not be required to use such payments to discharge an indebtedness of the recipient which was incurred before the first month for which payments are certified to a representative payee on the recipient's behalf. In no event, however, may such payee use such payments to discharge such indebtedness of the recipient unless the current and reasonably foreseeable needs of the recipient are otherwise provided for.

§ 416.680 Transfer of accumulated benefits.

A representative payee who has accumulated funds from title XVI benefits certified to him on behalf of a recipient shall, upon direction of the Administration, transfer such funds (including interest earned from investment of such funds) to a successor payee appointed by the Administration, or, at the option of the Administration, shall transfer such funds (including such interest) to the Administration for recertification to a successor payee or to the recipient.

§ 416.690 Accountability.

A representative payee shall submit a written report, in such form and at such times as the Administration may require, accounting for the payments certified to him on behalf of the recipient, unless such payee is a court-appointed fiduciary and, as such, is required to make an annual accounting to the court, in which case a true copy of each such account filed with the court may be submitted in lieu of the account-

ing form prescribed by the Administration. If any representative payee fails to submit the required accounting within a reasonable period of time after it is requested, no further payments shall be certified to him on behalf of the recipient unless, for good cause shown, the default of the representative payee is excused by the Administration and the required accounting is thereafter submitted.

[FR Doc.74-69 Filed 1-3-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 71, 75]

[Airspace Docket No. 73-AL-22]

VOR FEDERAL AIRWAYS, JET ROUTES, AND REPORTING POINTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would alter several VOR Federal airways, jet routes, and reporting points in Alaska.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before January 21, 1974, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In order to alleviate the critical energy shortage being experienced in our country, work on construction of the oil pipeline from the Alaskan north slope is being expedited. This will generate an increase in air activity to provide goods and services for the pipeline since the most practicable mode of tarnsportation in northern Alaska is via air. The proposed actions are as follows:

1. V-436 is presently aligned from King Salmon, Alaska, to Chandalar Lake, Alaska, and would be extended from Chandalar Lake RBN to Deadhorse, Alaska, VOR. This would provide a VOR routing from Chandalar Lake to the north slope at Deadhorse.

2. V-444 is presently aligned from Bettles, Alaska, to the United States/Canadian border near Northway, Alaska, and would be extended from Bettles VOR to Barrow, Alaska, VOR. This would provide a VOR routing from Bettles to the north slope at Barrow.

3. V-504 is presently aligned from Nenana, Alaska, to Bettles, Alaska, and would be extended from Bettles VOR to Deadhorse, Alaska, VOR. This would provide a VOR routing from Bettles to the north slope at Deadhorse.

4. V-506 is presently aligned from near Kodiak, Alaska, to Kotzebue, Alaska, and would be extended from Kotzebue VOR to Barrow, Alaska, VOR. This would provide an airway for traffic from King Salmon, Alaska, to the north slope.

5. V-481 is presently aligned from Johnstone Point, Alaska, via Gulkana, Alaska, to Big Delta, Alaska, and would be extended from Big Delta VOR to Fort Yukon, Alaska, VOR. V-438 is presently aligned from Kodiak, Alaska, to Fort Yukon, Alaska, and would be extended from Fort Yukon VOR via Deadhorse, Alaska, VOR to Barrow, Alaska, VOR. Use of these airways would provide alternate airways for traffic from Anchorage, Alaska, and Fairbanks, Alaska, to the north slope. V-481E would be established as a standard alternate airway between Johnstone Point and Gulkana. V-515 would be established as a new bypass airway between Gulkana and Big Delta, and would be aligned via radials 15 degrees to the east of V-481.

6. J-507 presently extends from Browerville, Alaska, RBN on the north slope to Fort Yukon, Alaska. There is a gap between Fort Yukon and Northway, Alaska, and at Northway J-507 begins again and continues southward to Annette Island, Alaska. It is proposed herein to fill the gap between Northway and Fort Yukon by designation of J-507 between these points. Additional alterations to J-507 would be made as follows: (a) J-507 would be realigned via Barrow VORTAC and Deadhorse VOR in lieu of Browerville RBN and Deadhorse RBN.

(b) The existing jet route segment between Yakutat, Alaska, and Sisters Island, Alaska, would be renumbered from J-507 to J-541. (c) J-507 between Sisters Island and Annette Island would be revoked, since that portion of J-507 is duplicated by J-502.

7. J-155 is presently aligned from Chandalar Lake, Alaska, RBN to Oliktok, Alaska, RBN. This route would be revoked since service in that area could be better provided by J-115 which is proposed herein to be based at the north slope on a VOR facility in lieu of an LF facility.

8. J-167 is presently aligned from Johnstone Point, Alaska, via Gulkana, Alaska, and Big Delta, Alaska, to Fairbanks, Alaska. J-167 serves no useful purpose between Big Delta and Fairbanks since it is duplicated by other jet routes; therefore, it is proposed herein to realign J-167 in part to extend from Big Delta to Fort Yukon, where it would adjoin other jet routes to provide access to/from the north slope.

9. J-123 and J-515 would be realigned via Barrow, Alaska, VOR in lieu of Browerville, Alaska, RBN to provide more accurate navigation.

10. J-139 and J-115 would be realigned via Deadhorse, Alaska, VOR in lieu of Put River, Alaska, RBN to provide more accurate navigation.

11. J-125 is presently aligned from Kodiak, Alaska, via Anchorage, Alaska, Talkeetna, Alaska, and Nenana, Alaska, to Chandalar Lake, Alaska. J-115 is presently aligned in part from King Salmon, Alaska, via Kenai, Alaska, Anchorage, Alaska, Fairbanks, Alaska, and Chandalar Lake, Alaska, to Put River, Alaska, RBN (proposed herein for change to Deadhorse, Alaska). These routes cross once at Chandalar Lake and a second time at Anchorage, thereby causing a route ambiguity problem. It is proposed herein to solve this problem by reidentifying the jet route segment between Chandalar Lake and Nenana from J-125 to J-155.

12. Barrow, Alaska, VORTAC, and Deadhorse, Alaska, VOR/DME would be designated as reporting points in both the high and low altitude strata to ensure that aircraft operating over these navaids would report to air traffic control:

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 28, 1973.

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

[FR Doc.74-297 Filed 1-3-74;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 173, 177, 178]

[Docket No. HM-113; Notice No. 73-11]

MC 330 AND MC 331 CARGO TANKS

Stress Corrosion Cracking

The Hazardous Materials Regulations Board is considering amendments to certain sections of the Department's Hazardous Materials Regulations, which pertain to shipments of anhydrous ammonia in MC 330 and MC 331 cargo tanks. These sections are: §§ 173.33, 173.315, 173.427, 177.817, 177.824, and 178.337.

In 1968 the Department first sought to prevent or reduce stress corrosion cracking in these tanks by amendments to regulations (HM-5, 33 FR 2389, 7493). Required thereunder was immediate inspection of all MC 330 and MC 331 cargo tanks, in order to determine need for repair and to insure product retention integrity. When shipped in quenched and tempered tanks, anhydrous ammonia had to either be inhibited with 0.2% water by weight or be at least 99.995% pure. Any tank, new or used, which had been opened for inspection, test, or repair—or any tanks which had been used for other than ammonia—had to be purged of air before loading.

In 1971 the Department became concerned with indications that the stress corrosion cracking problem remained unsolved. On November 20, 1971, a Notice of Public Meeting was issued requesting participation by persons "* * * having knowledge concerning the existence or extent of stress corrosion cracking, and

methods by which it can be prevented * * *." (36 FR 22192). The meeting was held on December 14, 1971. Considerable evidence substantiated that the cracking problem either remained or had reappeared. There was even evidence of instances where cracking was so extensive as to require that cargo tanks be scrapped.

The meeting produced varying opinions as to the cause of the cracking. Since then, the National Association of Corrosion Engineers (NACE) has studied the problem and has filed a petition for rulemaking, seeking amendments to the rules designed: (1) To provide interim measures to reduce the probability of cracking; (2) to provide detection of and control over stress corrosion cracking occurring during the interim; and (3) to measure the effectiveness of the recommended requirements until the matter is further researched.

Believing that the NACE petition warrants prompt consideration of action, the Board issues this Notice. The rules proposed are for the most part based upon the information in the NACE petition.

The proposals would add certain tank inspection and test requirements; require notice to the Bureau of Motor Carrier Safety when a tank is removed from service; further restrict the use of MC 330 or MC 331 cargo tanks constructed from quenched and tempered steel by precluding their use for transporting anhydrous ammonia when a water inhibitor is not added; require that shippers monitor and periodically check the amount of water inhibitor added in order to assure close adherence to the 0.2% water-by-weight shipping requirement, when quenched and tempered tanks are used; specify the types of water to be added as an inhibitor; require shipping paper notations showing the more restricted use for tanks of quenched and tempered steel construction; specify certain requirements for MC 331 tanks regarding post-weld heat treatment; and require a carrier which offers to sell or lease a MC 330 or MC 331 cargo tank to provide a copy of the results of any required tests to each prospective purchaser or lessee.

If, after response to this Notice, the need for rulemaking is still indicated, the Board is ready to consider further action.

In consideration of the foregoing, it is proposed to amend 49 CFR, Parts 173, 177, and 178 as follows:

PART 173—SHIPPERS

1. In § 173.33, paragraph (e) (1) would be amended and paragraphs (e) (10) through (e) (13) would be added to read as follows:

§ 173.33 Cargo tank use authorization.

* * * * *

(e) * * *

(1) Each cargo tank must be tested and inspected at least once every 5 years in accordance with paragraph (e) (2), (3), (4), (10), (11), and (12) of this section. A cargo tank that has been in service more than 5 years since the last test or retest, must be tested and inspected according to the provisions of this paragraph by July 1, 1974. The tank and each safety relief valve of any cargo tank used for the transportation of chlorine must be retested at least once every 2 years.

* * * * *

(10) Each MC 330 and MC 331 cargo tank constructed of quenched and tempered steel or those constructed of other than quenched and tempered steel but without post-weld heat treatment, that has contained anhydrous ammonia, must be internally inspected by the wet fluorescent magnetic particle method immediately prior to and in conjunction with the performance of any hydrostatic retest prescribed in this section. The wet fluorescent magnetic particle inspection must be in accordance with Section V of the ASME Code and CGA Technical Bulletin TB–2 (revision 12–21–72).

NOTE: A tank that has been wet fluorescent magnetic particle inspected, in the manner prescribed by paragraph (e) (10) of this section on or after January 1, 1971, and not thereafter subjected to weld repairs is deemed to have met the inspection requirements of paragraph (e) (10) except that this tank must be re-inspected in the manner prescribed by paragraph (e) (10) prior to January 1, 1976, and at least once every five years thereafter.

(11) All cracks and other defects found must be repaired in accordance with the repair procedures described in CGA Technical Bulletin TB–2 (revision 12–21–72) and Section VIII of the ASME Code under which the tank was built. Each tank having cracks and defects requiring welded repairs must meet all of the requirements of section 178.337–16 of this subchapter except that post-weld heat treatment after minor weld repairs is not required. When any repairs are made, including those by grinding, the tank must again be examined by the wet fluorescent magnetic particle method after hydrotest to assure that all defects have been removed.

(12) *Reports required.* (i) Each motor carrier, whether common, contract, or private, operating MC 330 or MC 331 tank vehicles shall make a written report in duplicate, concerning all such tanks inspected or tested in accordance with this section. The report must contain the following:

(A) Carrier's name, address of principal office, and telephone number;

(B) Complete name plate data required by specification MC 330 or MC 331, including data required by ASME Code;

(C) Carrier's equipment number;

(D) Statement indicating whether or not the tank was stress relieved after fabrication;

(E) Name and address of the person performing the test and date of test;

(F) A statement of the nature and severity of defects found, if any. In particular, information must be furnished to indicate location of defects detected, such as in welds, heat-affected zone, liquid phase, vapor phase, around pads, head-to-shell seam, or other possible locations. If no defect or damage was discovered, the fact must be reported:

(G) A statement of how repairs were made, by what method, by whom, and the date performed. Also, a statement of whether or not the tank was stress relieved after repairs and, if so, whether full or local stress relieving was performed;

(H) A statement of the disposition of cargo tank; and

(I) A statement of whether the cargo tank is used for transportation of anhydrous ammonia, liquefied petroleum gas, or both. Also, where the cargo tank is used for anhydrous ammonia, a statement indicating whether the commodity was certified by the shipper as containing 0.2 percent water by weight or being 99.995 percent pure anhydrous ammonia.

(ii) *Filing of reports.* The report must be filed with the Director of the Bureau of Motor Carrier Safety, Federal Highway Administration, Washington, D.C. 20590, Attention: Regulations Division. A copy of the report must be retained by the carrier at its principal place of business during the period the tank is in the carrier's service and for 1 year thereafter. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may maintain the reports at a regional or terminal office.

(iii) *Supplying reports.* Each carrier offering a MC 330 or MC 331 cargo tank for sale or lease must provide a written copy of any reports made under this paragraph to each prospective purchaser or lessee.

(13) *Record of inspections.* (i) Each carrier shall prepare a record of inspections required by paragraphs (e) (10) and (e) (11) of this section. The inspection record shall be signed by the person conducting the inspections, and retained with the carrier's file copy of the report submitted under paragraph (e) (12) of this section. The inspection record must identify by cargo tank manufacturer's serial number each cargo tank inspected and also indicate the name of the inspecting agency and person, the nature of any defects or damage discovered, and must state how the defect or damage was corrected and by what method. If no defect or damage was discovered upon inspection this fact must also be reported.

(ii) The reports required of a carrier by paragraphs (e) (12) and (13) of this section may be combined in a single report.

2. In § 173.315 paragraph (a) (1), Note 14 would be amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

NOTE 14: Specifications MC 330 and MC 331 cargo tanks constructed of other than quenched and tempered steel ("NQT") are authorized for all grades of anhydrous ammonia. Specifications MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel ("QT") (see marking requirements of § 177.823 (b) (5) of this subchapter) are authorized for anhydrous ammonia hav-

ing a minimum water content of 0.2 percent by weight. Any addition of water must be made using steam condensate, de-ionized, or distilled water. Any tank being placed in anhydrous ammonia service which has been in other service or has been opened for inspection, test, or repair, including a new tank, must be cleared of the previous product and must be purged of air before loading. See §§ 173.427(a)(3) and 177.817(a)(1) of this subchapter for special shipping paper requirements.

Any person offering for transportation anhydrous ammonia in a specification MC 330 or MC 331 cargo tank constructed of QT steel shall perform a periodic analysis for prescribed water content in the ammonia. The analysis must be performed at the time the cargo tanks are loaded. At least one load in each 10 loads or one load in every 24-hour period, whichever is less frequent, must be analyzed for prescribed water content. In those cases where water is added at the time of loading, quantitative provisions must be made to assure water injection equipment is operating. If the water injection equipment becomes inoperative, suitable corrective maintenance must be performed after which the first load must be analyzed for prescribed water content.

The analysis method to be used must be as prescribed in CGA Pamphlet G-2.2, Tentative Standard Method for Determining Minimum of 0.2% water in Anhydrous Ammonia, 1973 Edition.

Records indicating the results of the analysis taken, as required by this section, must be retained for 2 years and must be open to inspection by a duly authorized representative of the Department.

2. In § 173.427, paragraph (a)(3) would be amended to read as follows:

§ 173.427 Shipping papers.

(a) * * *

(3) For shipments of anhydrous ammonia in specification MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel, the shipper shall also show "(0.2 percent water by weight)" to indicate suitability for shipment in the tank as authorized by § 173.315(a)(1) Note 14. For shipments of anhydrous ammonia that do not contain 0.2 percent water by weight, the shipper must also show "(not to be loaded into Q and T cargo tanks)."

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

1. In § 177.817, paragraph (a)(1) would be amended, paragraph (a)(2) would be redesignated (a)(3), and a new paragraph (a)(2) would be added to read as follows:

§ 177.817 Shipping papers.

(a) * * *

(1) A carrier may not accept for transportation nor transport anhydrous ammonia in specification MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel, unless the shipping paper is marked "(0.2 percent water by weight)" to indicate suitability for shipment in such tanks as authorized by § 173.315(a)(1) Note 14 of this subchapter.

(2) A carrier may not accept for transportation or transport anhydrous ammonia that does not contain 0.2 percent water by weight in specification MC 330 and MC 331 cargo tanks constructed of quenched and tempered steel, nor may a carrier accept such shipment for transport in any "NQT" cargo tank unless the shipping paper is marked "(NOT TO BE LOADED INTO Q AND T CARGO TANKS)" as prescribed by § 173.315(a)(1) Note 14 of this subchapter.

* * * * *

(2) In § 177.824, paragraph (f) would be amended as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(f) *Reporting requirements.* Each motor carrier shall file with the Director, Bureau of Motor Carrier Safety, Federal Highway Administration, Department of Transportation, Washington, D.C. 20590, a written listing of all MC 330 and all MC 331 cargo tanks he has in service. Each motor carrier, upon placing in service or withdrawing from service any MC 330 or MC 331 cargo tank (other than cargo tanks used in interchange service which are reported upon by another carrier), shall file a supplemental report with the Bureau.

(1) The initial listing and each subsequent report must include the following information:

(i) The carrier's name, address, and telephone number;

(ii) One of the following statements, "Cargo tank placed in service" or "Cargo tank withdrawn from service," as appropriate, followed by the date of placement or removal;

(iii) The carrier's equipment number, manufacturer's name, manufacturer's serial number, specification MC 330 or MC 331, and "QT" (Quenched and tempered) or "NQT" (Not quenched and tempered).

(2) A copy of each report required by this paragraph must be retained by the carrier at its principal place of business during the period the tank is in the carrier's service and for 1 year thereafter. However, upon a written request to, and with the approval of, the Director, Regional Motor Carrier Safety Office, for the region in which a motor carrier has his principal place of business, the carrier may maintain the reports at a regional or terminal office.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

In § 178.337-1, paragraph (f) would be amended by adding the following sentence to the end of the paragraph.

§ 178.337 Specification MC 331; cargo tanks constructed of steel, primarily for transportation of compressed gases as defined in the Compressed Gas Section.

§ 178.337-1 General requirements.

* * * * *

(f) * * * A tank used for anhydrous ammonia must be post-weld heat treated. The post-weld heat treatment must be as prescribed in the ASME Code, but in no event at less than 1050° F. tank metal temperature.

* * * * *

Interested persons are invited to give their views in writing on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communication received on or before April 9, 1974 will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, Room 6215 Buzzard Point Building, Second and V Streets, SW., Washington, D.C. 20590, both before and after the closing date for comments.

(Sections 831–835 of title 18, United States Code, and Section 9 of the Department of Transportation Act (49 U.S.C. 1657).)

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

ROBERT A. KAYE,
Board Member for the Federal Highway Administration.

[FR Doc.74-49 Filed 1-3-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Parts 571, 575]

[Docket Nos. 1-7, 25; Notices 4, 8]

NEW PNEUMATIC TIRES FOR PASSENGER CARS AND UNIFORM TIRE QUALITY GRADING

Proposed Tire Traction Test Surfaces

This notice proposes specified test surfaces for use in establishing minimum traction performance requirements in Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) and for grading tire traction in Uniform Tire Quality Grading (49 CFR 575.104). This proposal revises the proposed requirements for tire traction in 49 CFR 571.109, published November 19, 1973 (38 FR 31841). The Uniform Tire Quality Grading regulation is published in this issue of the FEDERAL REGISTER (1037).

The minimum performance requirements and grading scheme for tire traction presently call for the use of a two-wheeled test trailer built, with some exceptions, to specifications in American Society for Testing and Materials (ASTM) Designation E-274-70, "Standard Method of Test for Skid Resistance of Paved Surfaces Using A Full-Scale Tire." The trailer is towed on two test surfaces, one having a skid number of 30 (determined under the ASTM procedure) and the other having a skid number of 50. No other specifications for the test surfaces have been proposed or adopted.

Many comments received in response to the proposed Uniform Tire Quality Grading regulation (March 7, 1973, 38 FR 6194; August 14, 1973, 38 FR 21939)

argued that it is necessary for purposes of reliability that precise surfaces be prescribed for traction testing.

Until recently, little progress has been realized in the formulation of test surfaces that are easily constructed and maintained, produce reliable results, and are available regardless of geographic location. The Federal Highway Administration (FHWA), an agency in the Department of Transportation which administers the Federal-aid highway program, has for the past 2 years been in the process of developing regional test surface centers containing similar test surfaces that are intended to be used to accurately measure road surface traction. As part of this development effort it has proposed the use of simple, uniform test surfaces which the NHTSA believes can be utilized in its regulations concerning tire traction. The actual laying and evaluation of the prescribed surfaces has not been completed in the FHWA program, but this is presently expected to occur in early spring 1974. In proposing these surfaces, the NHTSA invites comment on appropriate methods for laying and evaluating these proposed surfaces.

In light of the above, it is proposed that two specified test surfaces, as described below, (having skid numbers of 30 and 50 respectively) be added to the proposed test for minimum tire traction performance in 49 CFR 571.109 (S4.2.2.7; 38 FR 31841, November 19, 1973) and in the grading for tire traction in paragraph (g) of 49 CFR 575.104, published on page 1037 of this issue of the FEDERAL REGISTER.

Each surface would consist of an application of an epoxy binder and cover stone over a support foundation of dense graded bituminous concrete. The foundation and epoxy binder would be the same for each surface. In the case of the surface having a skid number of 30, the aggregate would consist of natural siliceous gravel, Type A, grade 5. In the case of the surface having a skid number of 50, the aggregate would be a natural subrounded gravel, Type A, grade 3.

Each test surface would be 520 feet long and 15 feet wide. The epoxy binders and aggregates would be applied only when the surface to be treated and the aggregates are dry, when the ambient temperature and pavement surface temperature are satisfactory for construction of epoxy binder surfacing, and the weather is neither foggy nor rainy.

The surfaces would be constructed using a pressure distributor to handle, mix, and distribute the epoxy binder uniformly on the support foundations, and a self-propelled aggregate spreader capable of depositing the required amount of aggregate uniformly over the full width of the epoxy. The application of the epoxy would be uniform, with building paper used at the beginning and, where the cut-off is not positive, at the end of each spread. Immediately following the application of epoxy, and before it has chilled, set up, or been otherwise affected so as to impair the retention of the aggregate, the aggregate would be applied by the spreader. Rolling would be allowed if needed. Immediately after the epoxy has set, excess aggregate would be broomed from the surface. The skid number of the surfaces would then be fully evaluated as indicated in the respective requirements.

Interested persons are invited to submit comments on the proposal. Comments are especially invited on appropriate amounts of aggregate and binder to achieve the desired skid numbers, the grade of epoxy, and uniform calibration of test equipment. Comments should refer to the docket numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: March 4, 1974.

Proposed effective date: September 1, 1974.

(Sec. 103, 112, 119, 201, 203, Public Law 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1407, 1421, 1423; delegation of authority at 49 CFR 1.51).

Issued on December 28, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-296 Filed 1-3-74;8:00 pm]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

MASSACHUSETTS IMPLEMENTATION PLAN FOR THE METROPOLITAN BOSTON INTRASTATE AIR QUALITY CONTROL REGION

Approval and Promulgation of Implementation Plans

On August 14, 1971 (36 FR 15483), the Administrator of the Environmental Protection Agency promulgated as 42 CFR Part 420, Regulations for the Preparation, Adoption, and Submittal of State Implementation Plans under section 110 of the Clean Air Act, as amended. Those regulations were republished November 25, 1971 (36 FR 22469) as 40 CFR Part 51. The regulations applicable to plan revisions as set forth in § 51.6 were revised on December 9, 1972 (37 FR 26310). On July 30, 1973, the Honorable Francis W. Sargent of Massachusetts submitted to the Environmental Protection Agency for approval a revision to the Massachusetts implementation plan pursuant to the above provisions. The substantive portions of the revision which pertain to achievement of the ambient air quality standards for particulate matter, sulfur oxides, and photochemical oxidants (hydrocarbons) in the Metropolitan Boston Intrastate Air Quality Control Region are described below.

The Administrator hereby issues this notice setting forth the Massachusetts revision as proposed rulemaking and advises the public that comments may be submitted on whether the revision should be approved or disapproved as required by section 110 of the Clean Air Act. Comments received within 30 days from the publication of this notice will be considered. The Administrator's decision to approve or disapprove the plan is based on whether it meets the requirements of section 110(a)(2)(A)-(H) and EPA Regulations in 40 CFR Part 51.

The revision would revise Regulation 2.5.4.4 to require control of vapors from tanks in the 250 gallon to 40,000 gallon range which store motor vehicle fuels with a true vapor pressure of 1.5 psi at 60° F or greater. The required controls would be drop tube fill lines for all tanks in place as of June 1, 1973, to be installed by January 1, 1974. All service station tanks installed, whether new or replacement, after July 1, 1973 must be equipped with a vapor balance line or equally effective vapor discharge control system at the time of installation. The revision would also change Regulation 5.2.2 by postponing the date of implementation of the ban on the utilization of residual fuel in three to six million Btu/hr. facilities from July 1, 1973 to July 1, 1974 in the 13 cities and towns designated as the core area of Boston.

Copies of the information submitted by Massachusetts to the Environmental Protection Agency are available for public inspection during normal working hours at the Office of Public Affairs, EPA, Room 2203 JFK Federal Building, Boston, Massachusetts 02203, and the Massachusetts Bureau of Air Quality Control, 600 Washington Street, Room 320, Boston, Massachusetts 02111. A copy is also available for public inspection at the Freedom of Information Center, EPA, Room 329, 401 M Street, S.W., Washington, D.C. 20460. Comments should be submitted to the Regional Administrator, EPA Region I, 2203 JFK Federal Building, Boston, Massachusetts 02203, on or before February 4, 1974.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Environmental Protection Agency, Region I, 2211 John F. Kennedy Federal Building, Boston, MA 02203. All relevant matter presented shall be evaluated and this Agency will incorporate in the rules adopted a concise general statement of the basis and purpose.

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

Dated: December 26, 1973.

RUSSELL TRAIN,
Administrator,
Environmental Protection Agency.

[FR Doc.74-202 Filed 1-3-74;8:45 am]

[40 CFR Part 52]

NORTH CAROLINA IMPLEMENTATION PLAN

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), and on June 20, 1973 (38 FR 16144), the Administrator approved portions of the North Carolina plan to attain and maintain the national ambient air quality standards.

Subsequent to these actions and pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Natural Resources Defense Council, Inc., et al.* v. *Environmental Protection Agency* (Civil Action No. 72–1522) and seven related cases, the Administrator promulgated on June 18, 1973 (38 FR 15834), additional implementation plan requirements relative to the maintenance of the national standards of ambient air quality.

To satisfy these new requirements, the State of North Carolina, after a public hearing held on September 6, 1973, adopted an implementation plan revision pertaining to the review of new or modified indirect sources of air pollution, and submitted it to EPA on November 16, 1973.

This plan revision would require that a permit be obtained by anyone proposing new construction or modification of existing facilities which would result in:

1. Open parking lots of 1500 or more spaces or covered parking facilities accommodate 750 or more vehicles;
2. Residential developments, including trailer courts, of 500 or more units which would produce an average population density of 12 or more persons per acre;
3. Stadiums and sports arenas with seating space for 25,000 or more persons or parking space for 8,000 or more vehicles;
4. Drive-in theaters with 700 or more parking spaces;
5. Amusement parks and recreation areas designed to serve 25,000 or more persons per day or to accommodate 8,000 or more vehicles;
6. Highways with a maximum traffic volume expected to reach 2,000 or more vehicles per hour within ten years; or
7. Airports with a maximum traffic volume expected to reach 100,000 or more operations per year or 45 or more operations per peak hour within the next ten years.

The State proposes to issue permits only after the applicant provides information adequate to show that construction or modification of a facility will not indirectly interfere with the attainment and maintenance of the national ambient air quality standards.

Copies of the proposed plan revision submitted by North Carolina will be available for public inspection during normal business hours at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

North Carolina Department of Natural and Economic Resources
Office of Water and Air Resources
Air Quality Division
226 West Jones Street
Raleigh, North Carolina 27611

Interested persons are encouraged to submit written comments on the proposed plan revision submitted by North Carolina. These comments will be carefully weighed by EPA before the Agency decides to approve or to disapprove the revision in question. Comments will be accepted on or before February 4, 1974. They should be addressed to the Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 3039, Attention: Mr. Helms.

(42 U.S.C. 1857c–5)

Dated: December 26, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74–203 Filed 1–3–74;8:45 am]

[40 CFR Part 52]

SECONDARY STANDARDS FOR PARTICULATE MATTER IN IDAHO

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator granted an 18-month extension for submission of a plan to attain and maintain the secondary standards for particulate matter in the State of Idaho. On October 16, 1973, the Governor of Idaho submitted the required plan.

The Administrator hereby issues, as proposed rulemaking, this notice setting forth the Idaho plan for implementation of the secondary standards for particulate matter and advises the public that comments may be submitted on whether the control strategy should be approved or disapproved, as required by section 110 of the Clean Air Act. Comments must be received on or before February 4, 1974. The Administrator's decision to approve or disapprove the plan will be based on whether the plan meets the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

To assist in the development of the control strategy, the EPA funded studies in Moscow and Twin Falls, Idaho, to better define the emission sources which contribute to ambient concentrations of suspended particulates. These cities were chosen because they appear to be typical of those cities in Idaho with a particulate problem. The studies determined the natural background level of suspended particulate matter in Idaho and typical levels at rural, urban residential, and central business district locations. It was concluded that the principle contributing sources in central business districts were construction and demolition activities, unpaved streets, and industrial fugitive dust sources. The control strategy for attainment of the secondary standards for particulate matter is directed toward reducing emissions from these three source categories.

As part of the control strategy, industrial sources will be required to comply with existing fugitive dust regulations. Major industrial sources of fugitive dust include the J. R. Simplot Company, FMC, Monsanto, Agricultural Products Corporation, Kerr-McGee, and rock crushing facilities. These firms are on either adopted or proposed compliance schedules.

Contractors involved in construction or demolition activities will be required to comply with the procedures for reducing fugitive dust included in section 2(a) of Regulation F of the Idaho Rules and Regulations.

Idaho cities will be requested to submit to the Department of Environmental and Community Services specific commitments regarding their timetables for paving all unpaved streets in or near their business districts.

Copies of the Idaho plan for attaining and maintaining the secondary standard for particulate matter are available for public inspection during normal business hours at the Region X offices of EPA, 1200 Sixth Avenue, Seattle, Washington 98101, at the offices of the Idaho Department of Environmental and Community Services, Statehouse, Boise, Idaho 83720, and at the Freedom of Information Center, 401 M Street S.W., Washington, D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region X, 1200 Sixth Avenue, Seattle, Washington 98101, Attn: C. Findley. Relevant comments received on or before February 4, 1974 will be considered. Comments received will be available during normal working hours at the Region X office. All relevant matter received will be evaluated and the Agency will incorporate in the rules adopted a concise general statement of their basis and purpose.

(Section 110(a) of the Clean Air Act as amended, 42 U.S.C. 1857–5(a)).

Dated: December 27, 1973.

RUSSELL TRAIN,
Administrator,
Environmental Protection Agency.

[FR Doc.74–200 Filed 1–3–74;8:45 am]

[40 CFR Part 52]

SOURCE EMISSION REGULATIONS: TENNESSEE

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions the State plan for implementing the national ambient air quality standards in Tennessee.

The State of Tennessee after notice and public hearing, submitted proposed revisions to its implementation plan altering the control strategy through modification of the emission limiting regulations. Specific emission limitations were proposed as requirements for existing sources in the following categories: asphalt plants, cotton gins, and kraft mills. For asphalt plants and kraft mills, mandatory emission limitations were pro-

posed which are more restrictive than those currently in effect. The State also proposed that cotton gins be regulated as a source category by a specific emission limitation. The proposed revisions included the addition of limitations applicable to nitrogen oxides emissions from new fossil fuel fired steam generators and particulate emissions from new portland cement plants.

This notice is to advise the public that comments may be submitted on whether the proposed revisions to the Tennessee Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act.

Copies of the proposals submitted by Tennessee are available for public inspection during normal business hours at the offices of the Air Programs Branch, EPA Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309, and at the State of Tennessee Department of Public Health, Division of Air Pollution Control, C2–212 Cordell Hull Building, Nashville, Tennessee 37219. Additional copies are available at the Freedom of Information Center, EPA, 401 M Street, S.W., Washinton, D.C. 20460.

Interested persons are encouraged to submit written comments on the proposed changes in Tennessee's Implementation Plan. Such comments will be weighed carefully by EPA before the Agency decides to approve or disapprove the plan revision in question. The Administrator's decision, will be based on his judgment as to whether the proposed revision meets the requirements of section 110 of the Clean Air Act and of 40 CFR Part 51. Comments will be accepted on or before February 4, 1974. They should be addressed to the Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, N.E., Atlanta, Georgia 30309, Attention: Mr. Helms.

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

Dated: December 26, 1973.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-204 Filed 1-3-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19905; FCC 73-1332]

[47 CFR Parts 1, 21]

DOMESTIC PUBLIC RADIO SERVICES

Notice of Proposed Rule Making

In the matter of amendment of Parts 1 and 21 of the Commission's Rules and Regulations Applicable to the Domestic Public Radio Services (other than Maritime Mobile).

1. Notice is hereby given of proposed rule making to revise procedures contained in Parts 1 and 21 of the Rules and Regulations applicable to the processing of applications in the Domestic Public Radio Services (other than Maritime Mobile). The proposed rules are intended to clarify various application requirements, streamline our procedures, and expedite the processing of applications.

2. In general, Subpart B of Part 21 of our Rules would be revised as follows:

(a) The provisions concerning the definition of major amendments, the consolidation of mutually exclusive applications (the so called "cut-off rule") and assignments of licenses would be substantially amended;

(b) New sections would be added to deal with agreements between mutually exclusive applicants, trafficking in licenses or construction permits, and to establish a summary procedure for the comparative evaluation of mutually exclusive applications without a hearing; and

(c) The provisions concerning defective applications, amendment procedures, public notice period, dismissal and return of applications, oppositions to applications, processing of applications, grants without a hearing, partial grants and conditional grants would be revised and renumbered.

3. Present §§ 21.23 and 21.24 concerning the amendment of applications and the definition of major amendments would be revised substantially. The provisions dealing with amendment procedures (present §§ 21.23(a), 21.23(b), and 21.24) would be editorially revised and renumbered with the deletion of the reference to a motion for more definite statement which has not proven useful or necessary. A new § 21.23(d) would deal with situations where a new application, rather than an amendment would be required for the relocation of a proposed station. Present § 21.23(c) and (d), the definition of major amendments, would be combined and completely rewritten as proposed § 21.23(c).

4. The concept of a major amendment has caused some difficulty because the language of the parenthetical examples implies a standard which is virtually limited to specific technical changes. For example, the question has arisen of whether a change in the ownership of an applicant, or the substitution of one applicant for another, constitutes a major amendment.[1] In contrast to the broadcast rules, our common carrier rules do not address this problem, although we believe that such a change could be considered to be a major amendment.

5. Our new approach will be to avoid restrictive language and to more clearly equate the term "major amendment" as used in the Rules with the term "substantial amendment" as used in Section 309(b) of the Communications Act [47 USC § 309(b)]. By allowing reference to the public notice philosophy of § 309 of the Act, this equation as set forth in § 21.23(c)(5) would permit a flexible interpretation needed to meet unanticipated factual situations. We recognize that this equation may be vague as a standard and that some specific examples may be required to guide applicants. New examples are given in proposed subparagraphs (c)(1) through (c)(4). However, we stress that these examples are meant as a supplement to, and not a substitute for, the policy test of subparagraph (c)(5). Thus, while subparagraphs (c)(1) and (c)(2) give specific examples of common engineering changes which normally require public notice, these examples are not meant to anticipate all of the possible engineering changes which could be interpreted as requiring a public notice.[2] The same is true for subparagraph (c)(3), which is the last parenthetical example of the present § 21.23 (c), and for subparagraph (c)(4) which deals with changes in ownership or control of the applicant in the same manner as does § 1.571(b).

6. Occasional difficulty has been experienced also with the present § 1.227 (b)(3) and § 21.30(b), the consolidation or so called "cut-off rule." In Domestic Public Radio Services, this rule is important enough to warrant a separate section, and proposed § 21.30 would be a combination of, and an elaboration on, material in the present §§ 21.30(b) and 21.28(d). The proposals are self explanatory except for proposed § 21.30(b), (c), and (e). Proposed § 21.30(b) and the applicable provision of proposed § 1.227 (b)(3) would state the four requirements for an application entitled to comparative consideration. These requirements are, first, that the application must be factually mutually exclusive as defined in proposed § 21.30(a). Secondly, the application must be in a condition acceptable for filing, a revised requirement which we believe is, in light of case interpretation and past policy, less ambiguous than the present requirement of "substantial completeness." The present terminology has caused some processing confusion because it has been construed as establishing different standards for defective applications such that it is possible for a mutually exclusive application to be unacceptable for filing and yet be "substantially complete" enough to be entitled to comparative consideration.[3] In this regard, § 21.20 ("Defective applications") would be editorially revised to clarify the necessity of substantial compliance with the Commission's Rules. Thirdly, the application must be in an acceptable condition as of the so called "cut-off" date. The present §§ 1.227(b)(3) and 21.30(b) imply that an application must be in acceptable condition when it is tendered.[4] The proposal would remove the ambiguity. Finally, the application must be filed as of the so called "cut-off" date. As before, this requirement in proposed § 21.30(b) would be worded in the alternative—sixty days or the day before final action is taken on the first filed application, whichever

[1] *See, Empire Communications Co.*, 38 FCC 2d 731, 732, 23 Pike & Fischer Radio Regs. 2d 941, 943–44 (1973).

[2] Furthermore, these specific technical changes should not be interpreted as the only changes that would require prior coordination pursuant to § 21.100(d). Under § 21.100(d) any change that could conceivably have adverse impact on another user must be coordinated, whether or not such changes may be classified as major or minor. Also these major amendment examples should not be confused with the limitations on permissive changes to authorized facilities as specified in §§ 21.109 and 21.121.

[3] *James River Broadcasting Co.* v. *FCC*, 399 F. 2d 581, 583 (D.C. Cir. 1968).

[4] *Id.*

date comes first. The proposal clarifies the requirement, however, to stress that the sixty day period is no guarantee of comparative consideration to potential competitors.[5] The sixty day filing period is a conditional right because we will not delay the grant of an application beyond its statutory public notice period, if it is ready for action, in order to anticipate the possible filing of a competing application. Consequently, the only absolutely certain date for being able to file a competitive application is within thirty days after the public notice date of the first application. In addition, we propose to add § 21.30(c) to our rules to deal with the "chain reaction" situation where three or more applications are mutually exclusive, but not uniformly so.

7. Proposed § 21.30(e) would concern the effect of major amendments on mutually exclusive applications. As an exception, subparagraph (e)(1) is new, being designed to reconcile the present § 21.30(b) with the present § 21.23(b), and to end the effects of the "cut-off rule" when applications are designated for hearing or comparative evaluation.[6] Subparagraph (e) (2) would be clarification of the exception contained in the third sentence of the present § 21.30(b). As a further exception, subparagraph (e) (3) would exempt from the "cut-off rule" a major amendment which reflects the merger of competing applications so as to expedite our processing. Our purpose in proposing this latter exception is to encourage compromises between competing applicants where, of course, the compromises would serve the public interest.

8. Similar to the broadcast requirements of § 1.525(a), proposed § 21.28(d) and (e) would be new provisions to deal with agreements between mutually exclusive applicants to withdraw one or more of the competing applications. Close review of such agreements is considered important in discouraging the filing of "strike applications" or unreasonable "buy-outs" of competitors. Consequently, we propose to dismiss an application withdrawn pursuant to an agreement and to continue processing the remaining application only if the withdrawal agreement is found to be consistent with the public interest. However, common carrier facilities, particularly point-to-point microwave systems, usually involve substantial "in-house" engineering. Thus, unlike the broadcast rule, we propose to allow the amount of consideration promised or paid to the withdrawing applicant to include both those "out-of-pocket" and "in-house" costs which are legitimate, prudent, and directly assignable by the withdrawing applicant to the preparation, filing, and advocacy of his application. Indirect or overhead costs, which would be incurred regardless of the application, would be excluded. Where they exceed one thousand dollars, allowable direct costs would have to be verified by a certified itemized accounting.

9. Proposed § 21.32 would be a new procedure designed to allow us to consider without a hearing, routine mutually exclusive applications where the only issue is the comparative merits of proposals submitted by applicants who are willing to agree to waive their rights to a hearing in order to avoid the expense and delay of the normal comparative procedure. Paragraph (a) would state the procedure's preconditions, the most important of which is subparagraph (a)(3). Since this procedure is based essentially upon consideration of undisputed facts submitted by the applicants, it would be inappropriate if important facts submitted were themselves in serious dispute. Paragraph (b) would be a self-explanatory outline of the procedure to be followed. After receipt of the written requests of all of the applicants, we anticipate that the staff of the Common Carrier Bureau would be delegated authority to make an initial determination of whether this procedure is appropriate, and, if so, to issue a notice stating the comparative criteria upon which the applications are to be evaluated. The final decision on the comparative merits of the competing proposals would be rendered by the Commission (rather than the staff) in a brief opinion. This decision would be considered final, and we would closely scrutinize any petitions for reconsideration for strict conformance with the requirements of Sections 1.101 through 1.120 of the Rules.

10. Two substantive changes are proposed to our procedures dealing with transfer of control or assignment of licenses. First, § 21.27 (d) and (e), is intended to deal with the situation where pending applications are amended to reflect consummation of a Commission approved transfer of control or assignment. In general, we don't feel a second public notice is necessary where the transfer or assignment application indicated that pending applications of the same carrier would be affected. Therefore, we are proposing that, except for certain special circumstances noted in the text of the rules, the public notice period for the major amendment be considered to have run concurrently with the notice for the original transfer or assignment application. This is, of course, a somewhat unusual approach and we solicit comments or alternative suggestions for dealing with this procedural problem. Secondly, a new § 21.34 is proposed to deal with possible trafficking in licenses or construction permits. In recognition of the different character of common carrier operations, this section is less restrictive than the broadcast rule, and is generally focused on the transfer or assignment of facilities operated for less than two years. If the transaction involves more than two stations, the two year period would be calculated from the median date of the stations involved.[7]

11. The provisions concerning defective applications, amendment procedure, dismissal of applications, oppositions to applications, processing of applications, grants without a hearing, partial grants and conditional grants would be revised. Of necessity, many existing provisions would be renumbered and rearranged in order to combine repetitious material and to clarify ambiguous provisions. We appreciate that a change in organization can be inconvenient at first. To facilitate the transition and to aid review we have included in attached Appendix I a table which indicates generally the derivation of our proposals. The text of the proposed provisions are contained in Appendix II, attached hereto.

12. Where these proposed rules would clarify ambiguities or uncertainties in the existing rules, they will be considered as Commission policy pending the finalization of this proceeding. Where such policy would be more restrictive than that previously applied, applications pending as of the release date of this Notice will not be acted upon in such a manner so as to cause them undue prejudice. For example, it is not clear under the present rules whether a change in ownership or control of an applicant would constitute a major amendment of the application. Our present policy, as expressed in this Notice, is that such a change is a major amendment, and applications henceforth so amended in this interim period prior to final adoption of these rules will be treated as major amendments. This policy will, of course, have to apply to previously amended pending applications. However, where such classification would cause great prejudice, e.g., dismissal, in the case of a mutually exclusive application beyond the "cut-off period," we will consider granting a special waiver to preclude an unfair result.

13. Authority for the rule amendments as proposed in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended [47 USC § 154(i), 303(r)].

14. Pursuant to applicable procedures set forth in Section 1.415 of the Commission's Rules, interested persons may file comments on or before February 14, 1974 and reply comments on or before March 16, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

[5] *Century Broadcasting Corp* v. *FCC*, 310 F. 2d 864 (D.C. Cir. 1962); *see, Ridge Radio Corp.* v. *FCC*, 292 F. 2d 770, 773 (D.C. Cir. 1961).

[6] *See, Empire Communications Co.*, 39 FCC 2d 148 (Rev. Bd. 1973).

[7] I.e., that date so selected such that fifty percent of the commencement dates of the total number of stations, when arranged in chronological order, lie below it and fifty percent lie above it. When the number of stations is an even number, the median date will be a value half way between the two dates closest to the theoretical median.

15. In accordance with the provisions of Section 1.419 of the Rules, an original and fourteen (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: December 19, 1973.

Released: December 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

APPENDIX I

For informational purposes, the following is the derivation of the proposed amendments to Part I and Subpart B of Part 21 of the Commission's rules:

Proposed amendment:		*Derivation*
§ 1.227(b)(3).		New—substantive revision of present § 1.227(b)(3).
§ 21.20(a)	---	New—editorial combination of present § 21.20(a) with part of present § 21.20(b).
§ 21.20(b)	---	New—editorial revision of present § 21.20(b).
§ 21.20(c)	---	Present § 21.20(c).
§ 21.23(a)	---	New—editorial revision of present § 21.23(a).
§ 21.23(b)	---	New—editorial revision of present § 21.23(b).
§ 21.23(c)	---	New—substantive revision of present § 21.23 (c) and (d).
§ 21.23(d)	---	New.
§ 21.23(e)	---	Second sentence of present § 21.23(a).
§ 21.23(f)	---	First sentence of present § 21.24.
§ 21.24	------	Deleted.
§ 21.25(c)	---	Deleted and placed in proposed § 21.27(a).
§ 21.27(a)	---	New—editorial revision of present § 21.26(c).
§ 21.27(b)	---	New—editorial revision of present § 21.27(b).
§ 21.27(c)	---	New—editorial revision of present § 21.27(a).
§ 21.27(d)	---	New.
§ 21.27(e)	---	New.
§ 21.28(a)	---	New—editorial combination of present § 21.28 (a) and (c).
§ 21.28(b)	---	New—editorial revision of present § 21.28(b).
§ 21.28(c)	---	New—editorial revision of last sentence of present § 21.28(c).
§ 21.28(d)	---	New—substantive elaboration on last sentence of present § 21.28(b).
§ 21.28(e)	---	New.
§ 21.28(f)	---	New.
§ 21.29 (a) and (b).		New—editorial revision of present § 21.27(c).
§ 21.29(c)	---	New—editorial revision of present § 21.27(c) and § 21.30(c).
§ 21.29(d)	---	New—substantive revision of § 21.30(c).
§ 21.30 (a) and (b).		New—substantive revision of § 21.30(b).
§ 21.30(c)	---	New.
§ 21.30(d)	---	New—editorial combination of present § 21.28(d) and § 21.30(b).
§ 21.30(e)	---	New—substantive revision of present § 21.30(b).
§ 21.31(a)	---	New—47 USC § 309(a).
§ 21.31(b)	---	New—editorial combination of present § 21.27(e) and § 21.30(a).
§ 21.31(c)	---	New—editorial combination of present § 21.27(f) and § 21.30(d).
§ 21.31(d)	---	New—editorial combination of present § 21.29.
§ 21.31(e)	---	New—editorial revision of present § 21.27(c).
§ 21.31(f)	---	New—editorial revision of present § 21.27(f).
§ 21.31(g)	---	New—editorial revision of present § 21.31.
§ 21.31(h)	---	New.
§ 21.32 (a) and (b).		New.
§ 21.33 (a), (b) and (c).		New—substantive revision of present § 21.32 to reflect 47 USC § 310(b).
§ 21.33(d)	---	New—editorial revision of § 1.541.
§ 21.34 (a) and (b).		New.
§ 21.35	------	[Reserved]
§ 21.36	------	Present § 21.33.
§ 21.37	------	Present § 21.34.
§ 21.38	------	Present § 21.35.

APPENDIX II

It is proposed to amend Parts 1 and 21 of Chapter I of Title 47 of the Code of Federal Regulations as follows:

1. In § 1.227 amend paragraph (b)(3) to read as follows:

§ 1.227 Consolidations.

* * * * *

(b) * * *

(3) In common carrier cases (except for those involving either Public Coast stations in the Maritime Mobile Service, or stations in the Domestic Public Radio Services), any application that is mutually exclusive with another previously filed application will be considered with such prior filed application only if the later filed application is received by the Commission in a condition acceptable for filing prior to the close of business on the day preceding the day the earlier filed application is either designated for hearing or granted. Consolidation of cases involving Public Coast stations in the Maritime Mobile Services is provided for in subparagraph (4) of this paragraph. In the Domestic Public Radio Services, no application will be entitled to comparative consideration with one or more conflicting applications unless such application, or such application as amended by a major amendment (as defined by § 21.23 of this chapter), meets the requirements of § 21.30 of this chapter.

* * * * *

2. Subpart B of the Table of Contents to Part 21 is amended to read as follows:

Subpart B—Applications and Licenses

GENERAL

Sec.
21.10 Eligibility for station license.

GENERAL FILING REQUIREMENTS

21.11 Station authorization required.
21.12 Formal and informal applications.
§ 21.13 Place of filing applications, fees and number of copies.
§ 21.14 Forms to be used.
§ 21.15 Content of applications.
§ 21.16 Who may sign applications.
§ 21.17 Additional statements.
§ 21.18 [Reserved]
§ 21.19 [Reserved]
§ 21.20 Defective applications.
§ 21.21 Inconsistent or conflicting applications.
Sec.
§ 21.22 Repetitious applications.
§ 21.23 Amendment of applications.
§ 21.24 [Reserved]
§ 21.25 Application for temporary authorizations.

PROCESSING OF APPLICATIONS

§ 21.26 Receipt of application.
§ 21.27 Public notice period.
§ 21.28 Dismissal and return of applications.
§ 21.29 Opposition to applications.
§ 21.30 Mutually exclusive applications.
§ 21.31 Consideration of applications.
§ 21.32 Comparative evaluation of mutually exclusive applications.
§ 21.33 Transfer and assignment of station authorization.
§ 21.34 Considerations involving transfer and assignment applications.
§ 21.35 [Reserved]
§ 21.36 Period of construction.
§ 21.37 Forfeiture of station authorizations.
§ 21.38 License period.

3. Section 21.20 is amended to read as follows:

§ 21.20 Defective applications.

(a) Unless the Commission shall otherwise permit, an application will be unacceptable for filing and will be returned to the applicant with a brief statement as to the omissions, if:

(1) The application is defective with respect to completeness of answers to questions, execution, or other matters of a formal character; or

(2) The application does not substantially comply with the Commission's rules, regulations, or other requirements.

(b) Applications considered defective pursuant to paragraph (a) of this section may be accepted for filing if:

(1) The application is accompanied by a request which sets forth the reasons in support of a waiver of, or an exception to, any rule, regulation, or requirement with which the application is in conflict; or

(2) The Commission, upon its own motion, waives or allows an exception to, any rule, regulation or requirement.

(c) If an applicant is requested by the Commission to file any documents or information not specifically required in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

4. Section 21.23 is amended to read as follows:

§ 21.23 Amendment of applications.

(a) Any pending application may be amended as a matter of right if the application has not been designated either for hearing, or for comparative evaluation pursuant to § 21.32 of this chapter.

(b) The Commission will grant requests to amend an application designated for hearing or comparative evaluation only if a written petition demonstrating good cause is submitted and properly served upon the parties of record.

(c) The Commission will classify amendments on a case by case basis. An amendment will be deemed to be a major amendment subject to the provisions of § 21.27 and § 21.30 under any of the following circumstances:

(1) In the Point-to-Point Microwave Radio Service, Local Television Trans-

mission Service, and the Multipoint Distribution Service, the amendment results in a substantial modification of the engineering proposal such as (but not necessarily limited to):

(i) A change in, or an addition of, a radio frequency;

(ii) A change in polarization of the transmitted signal;

(iii) An increase in transmitter output power of 3db or more;

(iv) A change in transmitter emission where such change increases the bandwidth by more than ten (10) percent;

(v) A change in the geographic coordinates of a station's transmitting antenna of more than ten (10) seconds of latitude or longitude;

(vi) Any technical change of a Multipoint Distribution Service station's transmitting antenna which would significantly extend its service area;

(vii) A change of greater than two (2) degrees in azimuth of the center of main lobe of radiation of a point to point station's transmitting antenna.

(2) In the Domestic Public Land Mobile Radio Service and Rural Radio Service, the amendment results in a substantial modification of the engineering proposal such as (but not necessarily limited to):

(i) A change in, or addition of, a radio frequency;

(ii) An increase in the number of locations on the same frequency;

(iii) An increase in effective radiated power which would significantly enlarge the service contour;

(iv) A change in the geographic coordinates, type, or positioning of a transmitting antenna which would significantly enlarge the service contour;

(v) A change in the class of stations;

(vi) A significant change in the location or number of points of communication of an existing or proposed station;

(vii) A change which would improve the operating characteristics of an existing or proposed station;

(viii) A change in the type of emission of a transmitter;

(ix) A change in geographical coordinates of more than one (1) second of latitude or longitude.

(3) The amendment results in a material alteration of the nature of an existing or proposed service;

(4) The amendment specifies a substantial change in beneficial ownership or control (*dejure* or *defacto*) which, in the case of an authorized station, would require the filing of a transfer or assignment application pursuant to § 21.33 of this chapter;

(5) The amendment is determined by the Commission otherwise to be substantial pursuant to section 309 of the Communications Act of 1934 [47 USC § 309].

(d) In the Point to Point Microwave Radio Service and Local Television Transmission Service, a pending application may be amended, and a new application will not be required, for the relocation of a proposed station site if:

(1) The geographic coordinates of the new station site are within twenty (20) miles of the coordinates of the original site; and

(2) The relocated station would serve essentially the same purpose in the system as originally proposed.

(e) If a petition to deny (or for other relief) has been filed, or if the Commission has published a notice that the application appears to be mutually exclusive with another application (or applications), any amendment (or other written communications) shall be served on the petitioner and on any such mutually exclusive applicant (or applicants), unless waiver of this requirement is granted pursuant to § 0.291 (k) of this chapter.

(f) Any amendment to an application shall be signed, and submitted in the same manner, and with the same number of copies, as was the original application; *Provided, however,* that amendments may be made in letter form, complying in all other respects with this paragraph.

§ 21.24 [Reserved]

5. Section 21.24 is deleted and marked [Reserved].

§ 21.26 [Amended]

6. Section 21.26 (c) is deleted.

7. Section 21.27 is amended to read as follows:

§ 21.27 Public notice period.

(a) At regular intervals, the Commission will issue public notices listing: (1) All applications and major amendments thereto which have been accepted for filing; and (2) those applications upon which final action has been taken.

(b) The Commission will not grant any application until thirty (30) days after the issuance of a public notice listing the application or any major amendment thereto as acceptable for filing.

(c) As an exception to paragraphs (a) and (b), the public notice provisions are not applicable to applications for:

(1) Authorization of a minor change in the facilities of an authorized station where such a change would not be classified as a major amendment (as defined by § 21.23 of this chapter) where such a change to be submitted as an amendment;

(2) Consent to an involuntary assignment or transfer of control of a radio authorization under section 310(b) of the Communications Act [47 USC § 310(b)];

(3) Consent to a voluntary assignment or transfer of control of a radio authorization under Section 310(b) of the Communications Act [47 USC § 310(b)], where the assignment or transfer does not involve a substantial change in ownership or control;

(4) Issuance of a license subsequent to a construction permit or, pending application for a grant of such license, any special or temporary authorization to permit interim operation to facilitate completion of authorized construction or to provide substantially the same service as would be authorized by such license;

(5) Extension of time to complete construction of authorized facilities;

(6) Temporary authorization purusant to § 21.25(b);

(7) Authorization of facilities for remote pickup, temporary studio links and similar facilities which serve a broadcast station;

(8) An authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934 [47 U.S.C. section 308(a)].

(d) Whenever an application is amended by a major amendment to reflect a substantial change in ownership resulting from an assignment of construction permit or license, or a transfer of control of a corporate permittee or licensee, the public notice period for the major amendment shall be considered to run concurrently with the public notice period for the assignment or transfer application if it is indicated in such application that the assignment or transfer transaction contemplates the transfer of rights in pending applications of the same carrier.

(e) As an exception to paragraph (d) of this section, a supplementary public notice (and thirty day period associated therewith) will apply to a major amendment reflecting a substantial change in ownership resulting from an assignment of construction permit or license, or a transfer of control of a corporate permittee or licensee, if:

(1) The application to be amended is in mutually exclusive status with one or more other applications and the amendment is acceptable within the time limits provided by § 21.30 of this chapter; or

(2) Any person advises the Commission in writing prior to final action on the transfer or assignment application that:

(i) He intends to oppose the pending application for new or modified facilities on the basis of the change in ownership, but for reasons which are not relevant to the assignment or transfer application; or

(ii) He intends to file an application which would be mutually exclusive with a specified pending application when it is amended to reflect the substantial change in ownership.

8. Section 21.28 is amended to read as follows:

§ 21.28 Dismissal and return of applications.

(a) Subject to the provisions of paragraphs (d) and (e) of this section, any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal either prior to designation for hearing, or prior to selection of the comparative evaluation procedure of § 21.32 of this chapter. An applicant's request for the return of his application after is has been accepted for filing will be considered to be a request for dismissal without prejudice.

(b) A request to dismiss an application without prejudice will be considered either after designation for hearing, or after selection of the comparative evaluation procedure of § 21.32, only if:

(1) A written petition is submitted to the Commission and is properly served upon all parties of record; and

(2) The petition is submitted before the issuance of a public notice of Com-

mission action denying the application; and

(3) The petition demonstrates good cause and complies with the provisions of paragraphs (d) and (e) of this section (whenever applicable).

(c) Subject to the provisions of paragraphs (d) and (e) of this section, an application will be dismissed without prejudice if an applicant fails to respond to official correspondence or requests for additional information.

(d) Whenever applicants for mutually exclusive instruments of authorization entitled to comparative consideration (See § 21.30 of this chapter) enter into an agreement or understanding to settle the conflict between their proposals by the withdrawal of one or more applications, the Commission will dismiss such application (or applications) and continue processing the remaining application (or applications) pursuant to paragraph (e) of this section, only if:

(1) Within five (5) days after entering into the agreement or understanding all the parties thereto file a joint request for approval of the agreement and for dismissal of the application (or applications); and

(2) The joint request is accompanied by both a complete copy of the agreement or understanding and the affidavit of each principal thereto disclosing in full all relevant facts, including (but not limited to):

(i) The exact nature of any consideration promised or paid, including an agreement for merger of interests or the reciprocal withdrawal of applications;

(ii) A complete explanation of, and justification for, any consideration promised or paid;

(iii) The reasons why pursuant to the agreement or understanding the withdrawal of the application (or applications) is considered to be in the public interest; and

(iv) Any additional or supplementary information (submitted in the form of an affidavit) which the Commission in its judgment thinks is necessary for a determination pursuant to paragraph (e) of this section.

(e) In accordance with the procedure outlined in paragraph (d) of this section, the Commission will dismiss an application (or applications) only if it finds upon examination of the information submitted, and upon consideration of such other matters as it may officially notice, that:

(1) The amount of any monetary consideration and the cash value of any other consideration promised or paid to the withdrawing applicant is not in excess of those legitimate and prudent costs (excluding indirect or overhead expenses) directly assignable by the withdrawing applicant to the preparation, filing, and advocacy of his application as verified by a certified itemized accounting and such factual information as the withdrawing applicant submits; and

(2) The agreement or understanding for the withdrawal of the application (or applications) does not reflect adversely upon the qualifications of the remaining applicant (or applicants) to be a licensee, and is consistent with the public interest, convenience, and necessity.

The treatment to be accorded with withdrawal payments for interstate rate making purposes will be determined at such time as the question may arise in a rate proceeding.

(f) As partial exceptions to paragraph (e)(1) of this section:

(1) An itemized accounting is not required if the parties certify in the joint request for dismissal that the amount of any monetary consideration and the cash value of any other consideration promised or paid to the withdrawing applicant does not exceed one thousand dollars ($1,000.00) and that such consideration is otherwise in accordance with the provisions of paragraph (e);

(2) Subject to § 21.34, the amount of allowable consideration may include a sale of facilities or a merger of interests if:

(i) Complete details are disclosed as to the sale of facilities or merger of interests; and

(ii) The amount of consideration promised or paid for the withdrawal of an application is clearly and justifiably segregated from the sale of facilities or merger of interests.

9. Section 21.29 is amended to read as follows:

§ 21.29 Opposition to applications.

(a) Except as otherwise provided, petitions to deny (or a petition for other forms of relief) and responsive pleadings for Commission consideration must:

(1) Identify the application or applications (including Commission file numbers and radio service involved) with which it is concerned;

(2) Be filed in accordance with the pleading limitations, filing periods, and other applicable provisions of §§ 1.41 through 1.52 of this chapter; and

(3) Contain (except for facts of which official notice may be taken) specific allegations of fact, supported by the affidavit of a person or persons with personal knowledge thereof, whenever the pleading alleges or denies matters of fact.

(b) The Commission will officially notice and respond to a Petition to Deny (or petition for other forms of relief) if:

(1) The application is one to which the thirty (30) day public notice period of § 21.27(b) of this chapter applies; and

(2) The petition is filed within thirty (30) days (*see* § 1.4 of this chapter) after the issuance of a public notice of the acceptance for filing of any such application or major amendment thereto; and

(3) The petition conforms with the requirements of paragraph (a) of this section; and

(4) The petition is served by the petitioner upon the applicant no later than the date of filing thereof with the Commission; and

(5) The petition contains specific allegations of fact sufficient to show that the petitioner is a party in interest, and that a grant of the application would be *prima facie* inconsistent with the provisions of § 21.31 of this chapter.

(c) The Commission will classify as informal objections:

(1) Any petition to deny (or a petition for other forms of relief) not filed within the time periods specified by paragraph (b) of this section where the Commission for good cause shown does not waive the foregoing time limitations; or

(2) Any comments on, or objections to the grant of an application (other than the issuance of a license pursuant to a construction permit) where the comments or objections do not conform to the requirements of either paragraph (a) of this section or other Commission rules and requirements.

(d) The Commission will consider informal objections (but will not necessarily discuss them specifically in a formal opinion pursuant to § 21.31(c) of this chapter) if:

(1) The informal objection is filed at least one day before Commission action on the application; and

(2) The informal objection is signed by the submitting person (or his representative) and discloses his interest.

10. Section 21.30 is amended to read as follows:

§ 21.30 Mutually exclusive applications.

(a) The Commission will consider applications to be mutually exclusive if their conflicts are such that the grant of one application would effectively preclude as a practical matter the grant of one or more of the other applications.

(b) An application will be entitled to comparative consideration with one or more conflicting applications only if:

(1) The application is mutually exclusive with the other applications; and

(2) The application is received by the Commission in a condition acceptable for filing no later than whichever date is earlier:

(i) Sixty (60) days after the date of the public notice listing the first of the conflicting applications as accepted for filing; or

(ii) One (1) business day preceding the day on which the Commission takes action on the previously filed application (or applications), should the Commission act upon such application (or applications) in the interval between thirty (30) and sixty (60) days after the date of its public notice.

(c) Whenever three or more applications are mutually exclusive, but not uniformly so, the earliest filed application establishes the date prescribed in paragraph (b)(2) of this section, regardless of whether the other conflicting applications are directly mutually exclusive with the first filed application.

For example, applications A, B, and C are filed in that order. A and B are directly mutually exclusive, and B and C are directly mutually exclusive. In order to be considered comparatively with B, C must be filed within the "cut-off" period established by A even though C is not directly mutually exclusive with A.

(d) An application otherwise mutually exclusive with one or more previously filed applications, but filed after the appropriate date prescribed in paragraph (b)(2) of this section, will be returned without prejudice and will be eligible for refiling only after final action is taken by the Commission with respect to the previously filed application (or applications).

(e) For the purposes of this section, a mutually exclusive application will be considered to be a newly filed application if it is amended by a major amendment (as defined by § 21.23 of this chapter), except under the following circumstances:

(1) The application has been designated for comparative hearing, or for comparative evaluation (pursuant to § 21.32 of this chapter), and the Commission accepts the amendment; or

(2) The amendment resolves frequency conflicts with authorized stations or other pending applications, but does not create new or increased frequency conflicts; or

(3) The amendment reflects only a change in ownership which results from an agreement whereby two or more applicants entitled to comparative consideration of their applications join in one or more existing applications and request dismissal of their other application (or applications) to avoid the delay and cost of comparative consideration and such agreement is found by the Commission not to be contrary to the public interest.

11. Section 21.31 is amended to read as follows:

§ 21.31 Consideration of applications.

(a) Applications for an instrument of authorization will be granted if, upon examination of the application and upon consideration of such other matters as it may officially notice, the Commission finds that the grant will serve the public interest, convenience, and necessity.

(b) The grant shall be without a hearing if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission finds that:

(1) The application is complete and in accordance with the Commission's requirements; and

(2) The application is not subject to comparative consideration (pursuant to § 21.30 of this chapter) with another application (or applications), or, if the application is subject to comparative consideration with another application (or applications), the applicants have chosen the comparative evaluation procedure of § 21.32 of this chapter and a grant is appropriate under that procedure; and

(3) A grant of the application would not cause harmful interference to an existing station, or to stations for which a construction permit is outstanding; and

(4) There are no substantial and material questions of fact presented; and

(5) The applicant is legally, technically, financially and otherwise qualified, and a grant of the application would be consistent with the requirements of paragraph (a) of this section.

(c) If the Commission grants without a hearing an application for an instrument of authorization which is subject to a petition to deny filed in accordance with § 21.29(b) of this chapter, the Commission will deny the petition by the issuance of a concise statement which will report the reasons for the denial and dispose of all substantial issues raised by the petition.

(d) Whenever the Commission, without a hearing, grants any application in part, or subject to any terms or conditions other than those normally applied to applications of the same type, it shall inform the applicant of the reasons therefor, and the grant shall be considered final unless the Commission should revise its action (either by granting the application as originally requested, or by designating the application for hearing) in response to a petition for reconsideration which:

(1) Is filed by the applicant within thirty (30) days from the date of the letter or order giving the reasons for the partial grant; and

(2) Rejects the grant as made and explains the reasons why the application should be granted as originally requested; and

(3) Returns the instrument of authorization.

(e) The Commission will designate an application for hearing if, upon consideration of the application, any pleadings or objections filed, or other matters which may be officially noticed, the Commission determines that:

(1) There are substantial and material questions of fact presented; or

(2) The application is entitled to comparative consideration (pursuant to § 21.30 of this chapter) with another application (or applications); or

(3) The application is entitled to comparative consideration (pursuant to § 21.30 of this chapter) and the applicants have choosen the comparative evaluation procedure of § 21.32 of this chapter, but the Commission deems such procedure to be inappropriate.

(f) The Commission may grant, deny, or take other appropriate action with respect to an application designated for hearing pursuant to paragraph (e) of this section after a hearing conducted in accordance with the provisions of Part 1 of this chapter.

(g) Whenever the public interest would be served thereby the Commission may grant one or more mutually exclusive applications expressly conditioned upon final action on the applications, and then either designate all of the mutually exclusive applications for hearing or (whenever so requested) follow the comparative evaluation procedure of § 21.32, if it appears:

(1) That some or all of the applications were not filed in good faith, but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That the public interest requires the prompt establishment of radio service in a particular community or area; or

(3) That a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of an international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest in that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or other statutes, or of the provisions of this chapter.

(h) Reconsideration and/or review of any final action taken by the Commission will be in accordance with §§ 1.101 through 1.120 of this chapter.

12. A new § 21.32 is added to read as follows:

§ 21.32 Comparative evaluation of mutually exclusive applications.

(a) In order to expedite action on mutually exclusive applications, applicants may request the Commission to consider their applications without a hearing in accordance with the summary procedure outlined in paragraph (b) of this section, if:

(1) The applications are entitled to comparative consideration pursuant to § 21.30 of this chapter; and

(2) The applications have not been designated for hearing; and

(3) The Commission determines, initially or at any time during the procedure outlined in paragraph (b) of this section, that such procedure is appropriate, and that, from the information submitted and consideration of such other matters as may be officially noticed, there are no substantial and material questions of fact presented (other than those relating to the comparative merits of the applications) which would preclude a grant pursuant to paragraphs (a) and (b) of § 21.31 of this chapter.

(b) Provided that the conditions of paragraph (a) of this section are satisfied, applicants may request the Commission to act upon their mutually exclusive applications without a hearing pursuant to the summary procedure outlined below:

(1) To initiate the procedure, each applicant will submit to the Commission a written statement containing:

(i) A declaration that he fully and knowledgeably understands both his hearing rights and the summary nature of this procedure;

(ii) A waiver, express and unconditional, of his right to a comparative hearing;

(iii) A request and agreement that, in order to avoid the delay and expense of a comparative hearing, the Commission should exercise its judgment to select from amongst the mutually exclusive applications that proposal (or proposals) which would best serve the public interest; and

(iv) The notarized signature of each principal (and his attorney if so represented).

(2) After receipt of the written requests of all of the applicants the Commission (if it deems this procedure appropriate) will issue a notice designating the comparative criteria upon which the applications are to be evaluated and will request each applicant to submit, within a specified period of time, additional information concerning his proposal relative to the comparative criteria.

(3) For a period of thirty (30) days following the due date for filing this information, the Commission will accept concise, factual, and non-argumentative comments on the competing proposals from the rival applicants, potential customers, and other knowledgeable parties in interest.

(4) From time to time during the course of this procedure the Commission may request additional information from the applicants and hold informal conferences at which all competing applicants shall have the right to be represented.

(5) Upon evaluation of the applications, the information submitted, and such other matters as may be officially noticed, the Commission will issue a decision granting one (or more) of the proposals which it concludes would best serve the public interest, convenience and necessity. The decision will report briefly and concisely the reasons for the Commission's selection and will deny the other application(s). This decision shall be considered final.

13. The present § 21.32 is renumbered § 21.33 and amended to read as follows:

§ 21.33 Transfer and assignment of station authorizations.

(a) No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby. The treatment to be accorded acquisition or disposition costs for interstate rate making purposes will be determined at such time as the question may arise in a rate proceeding.

(b) Requests for transfer or assignment authority shall be submitted on the application forms prescribed by § 21.14 of this chapter; shall be accompanied by the applicable showings required by § 21.14, 21.15 and 21.34 of this chapter; and shall be disposed of as if the proposed transferee or assignee were making application for the permit or license in question under the provision of Subpart B, Part 21 of this chapter.

(c) In acting upon applications for transfer and assignment authority the Commission will not consider whether the public interest, convenience, and necessity might be served by the transfer, assignment, or disposal of the permit or license to a person other than the proposed transferee or assignee.

(d) The Commission shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee. Within thirty (30) days after the occurrence of such death or legal disability, an application in accordance with the provisions of paragraph (b) of this section shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate involved.

14. A new § 21.34 is added to read as follows:

§ 21.34 Considerations involving transfer and assignment applications.

(a) Whenever applications (except those involving a *pro forma* assignment or transfer of control) for consent to assignment of a common carrier construction permit or license, or for transfer of control of a corporate permittee or licensee, involving facilities which have been operated by the proposed assignor or transferor for less than two years, the Commission will review the transaction to determine if the circumstances indicate possible trafficking in licenses or construction permits. The Commission may require the submission of a affirmative, factual showing (supported by affidavits of a person or persons with personal knowledge thereof) to explain why the transaction does not involve trafficking. Such a showing should demonstrate that the proposed assignment or transfer is due to changed circumstances affecting the licensee or permittee subsequent to the acquisition of the permit or license, or that the proposed transfer of radio facilities is incidental to the transfer of other assets. If after review of the showing there is reasonable doubt that the transaction is free of trafficking, the Commission will designate the application(s) for hearing.

(b) For purposes of this section, the two year period is calculated using the following dates (as appropriate):

(1) the initial date of grant of the construction permit, excluding subsequent modifications;

(2) the date of consummation of an assignment or transfer, if the station is acquired as the result of an assignment of construction permit or license, or transfer of control of a corporate permittee or licensee; and/or

(3) the median date of the applicable commencement dates (determined pursuant to subparagraphs (1) and (2) of this paragraph) if the transaction involves two or more stations.

§ 21.35 [Reserved]

15. The present § 21.35, "License period," is renumbered § 21.38, and § 21.35 is marked [Reserved].

§ 21.36 [Redesignated]

16. The present § 21.33, "Period of construction," is renumbered as § 21.36.

§ 21.37 [Amended]

17. The present § 21.34, "Forfeiture of station authorizations," is renumbered as § 21.37.

[FR Doc.74-822 Filed 1-8-74;8:45 am]

[47 CFR—Part 73]

[Docket No. 19906 RM-1786]

EXTENSION METERING OF BROADCAST TRANSMITTERS

Notice of Proposed Rule Making

1. As a result of its Task Force study on reregulation of broadcasting, the Commission proposes to amend its rules to permit the use of extension meters. As used herein, extension meters are meters connected by wire to the antenna circuit and to a transmitter which is in the proximity to the operator's normal operating position and permit monitoring of critical operating parameters at that position.

2. Under the existing rules, a broadcast transmitter may be operated by direct control or by remote control.

3. A directly controlled transmitter and the required controls and instruments of a remotely controlled transmitter must now be "readily accessible and located sufficiently close to the operator at the normal operating position that deviations from normal indications of required instruments can be observed in a 360° arc from that position." (§ 73.93 (a), AM, 73.265(a) FM, 73.565(a) Ed. FM.)[1]

4. Broadcast licensees have urged that extension metering of transmitters should be permitted as an intermediate method of operation in order to relieve unnecessary burdens which, in many situations, result from those requirements. Comments filed in the Commission's continuing Task Force study on re-regulation of broadcasting contend that extension metering would be of great benefit to the average broadcaster and to the small-market broadcaster in particular. The National Association of Broadcasters (NAB) filed a petition for rule making in 1971 (RM-1786) to change the requirements concerning "visibility" of transmitters by the duty operator and, in conjunction therewith, submitted that extension metering would help alleviate problems arising from the visibility requirement. The visibility matter has been acted upon. By Order adopted on December 20, 1972 (FCC 72-1178), the Commission, in furtherance of re-regulation, modified a number of its rules including those concerning visibility of transmitters by operators (§§ 73.93 (a) AM, 73.265(a) FM, and 73.565(a) Ed. FM). The NAB petition, as it applies to extension meters, will be considered

[1] Language of the corresponding TV rule, § 73.661, provides that they "shall be readily accessible and clearly visible. . .". Para. 11, *infra*.

herein, and RM-1786 will be incorporated into this proceeding.[2]

5. The need for extension metering is most obvious where the transmitter and the normal operating position (such as a main studio) are located in proximity on the licensee's premises but are separated to the extent that the transmitter cannot be observed from the operating position, e.g., a transmitter room across or down the hall from the normal operating position. It is pointed out in the NAB petition and other comments before us, that, in an effort to comply with existing requirements, many licensees had installed windows, mirrors and closed circuit cameras to put the transmitter within view of the operator from the normal operating position; that in many instances the design of stations must be substantially altered, over opposition of the architect or contractor, to meet Commission requirements; that in stations where the control center is also the announcing position, the need to provide glass walls and other viewing devices disturbs the acoustical qualities of the announcing environment.

6. An alternative under existing rules is to seek authority for remote control. It is claimed that, where the transmitter and normal operating position are in proximity on the same premises, remote control operation with its attendant costs of installation and maintenance, as well as the requirements for stringent antenna performance measurements on directional antenna systems, imposes an unnecessary and undue hardship on licensees. It is claimed further that extension metering of transmitters would provide adequate safeguards for detecting excessive variations in critical operating parameters.

7. The Commission is of the view that provision for extension metering of transmitters warrants further consideration. Accordingly, we issue this Notice proposing to amend our rules to permit such metering, without prior authorization of the Commission, under compliance with requirements set forth in the Appendix.

8. Comments are invited on each of the proposed requirements, but interested parties are particularly urged to state their views regarding the proposed maximum separation between the normal operating location and the transmitter and the parameters which must be monitored if extension meters are used. In preparing comments, parties should recognize that the objective of this proceeding is to provide for the use of extension meters while retaining adequate monitoring of the operating parameters of the station and insuring that prompt corrective action can be taken in the event of malfunctions. If the Commission's rules are amended in accordance with this proposal, pertinent entries required in the station's operating log may be made on the basis of the extension meter readings.

[2] Public Notice of the petition was given pursuant to § 1.403 of our rules. Supporting responses were received, but a Notice of Proposed Rule Making had not been issued pursuant to §§ 1.407, 1.412.

9. Amendments to the rules as proposed herein are set forth in the attached Appendix.

10. Extension metering of broadcast transmitters would be provided for in §§ 73.70 AM, 73.276 FM, 73.574 Ed. FM and 73.678 TV, titled "Extension meters." (Present § 73.276 concerning "Permissible transmissions" would be renumbered as § 73.277; and present § 73.678, a cross reference to § 73.1205 on "Fraudulent billing practices", would be renumbered as § 73.663.)

11. Sections (73.93(a) AM, 73.265(a) FM, 73.565(a) Ed. FM, and 73.661 TV) concerning operator requirements would be amended also to provide for the use of extension meters and to provide substitute language where the existing rule refers to "360° arc". The latter amendment is not intended to alter the terms of the rule but simply amends the language to a form which the Commission views as more appropriate. The existing language of that provision concerning AM, FM and Ed. FM stations was made effective by the Commission's Order of December 20, 1972 (para. 4, *supra.*) to remedy problems which had arisen from interpretations of previous wordage as to "clearly visible". The corresponding TV rule was not changed because, as stated in paragraph 5(h)(1) of the Order, the nature of TV operation is such that no problems had arisen from the wording. With the proposal here for extension meters in each of the broadcast services, AM, FM, Ed. FM, and TV, and specification of the location of such meters, it appears appropriate to amend the TV rule on operator requirements, Section 73.661, to conform the language therein with the rules for the other services.

12. The rules on maintenance logs, §§ 73.114 AM, 73.284 FM, 73.584 Ed. FM and 73.672 TV, would be amended to include the provision that results of calibrating extension meters at least once a week must be entered in the station's maintenance log.

13. Authority for the institution of this proceeding, and adoption of the rules proposed herein, is contained in section 4(i), 303(g) and (r) of the Communications Act of 1934, as amended.

14. RM-1786 (para. 4 *supra.*) is incorporated into this proceeding.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's Rules, interested parties may file comments on or before February 4, 1974, and reply comments on or before February 15, 1974. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

16. In accordance with the provisions of § 1.419 of the Rules an original and 14 copies of all comments, replies, pleadings, briefs and other documents shall be furnished the Commission. However, in an effort to obtain the widest possible response in this proceeding, especially from small-market radio stations, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: December 19, 1973.

Released: December 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

1. It is proposed to add a new § 73.70, which would read as follows:

§ 73.70 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the extension meters are sufficiently close to the operator's normal operating location that deviations from normal indications of required instruments can be observed from that location.

(d) That extension meters shall be installed for monitoring the DC plate circuit current and voltage of the last radio frequency amplified stage, the radio frequency base current of each antenna element, and for stations employing directional antenna systems, the radio frequency current at the point of common input to the directional antenna. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding meters.

(e) That each meter must continuously sample the parameters for which it was installed and constantly indicate that parameter.

(f) That the extension meters are calibrated against their corresponding meters as often as necessary to insure their accuracy, but in no event less than once a week and

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2% of the value read on its corresponding meter.

(g) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter.

(h) That the station's modulation monitor and antenna monitor, if used, is

installed at the same location as the extension meters.

(i) That the transmitter is so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

2. It is proposed to amend § 73.93(a) to read as follows:

§ 73.93 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters are located as provided by § 73.70 of this Subpart. The transmitter or the transmitter extension meters and required monitors and other required metering equipment; or the controls and required monitors and other required metering equipment in an authorized remote control operation shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

* * * * *

3. It is proposed to amend § 73.114(a)(1) by adding a new subparagraph (vii) which, as amended, would read as follows:

§ 73.114 Maintenance log.

(a) * * *

(1) * * *

(vii) When applicable, a notation as to the results of calibration of extension meters against corresponding meters as required by § 73.70.

* * * * *

4. It is proposed to amend § 73.265(a) to read as follows:

§ 73.265 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters are located as provided by § 73.276 of this Subpart. The transmitter or the transmitter extension meters, and required monitors and other required metering equipment; or the controls, required monitors and other required metering equipment in an authorized remote control operation shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

* * * * *

5. It is proposed to amend § 73.276 by renumbering the present title and text as § 73.277 and inserting the following new title and text as § 73.276:

§ 73.276 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the extension meters are sufficiently close to the operator's normal operating location that deviations from normal indications of required instruments can be observed from that location.

(d) That extension meters shall be installed for monitoring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding meters.

(e) That each meter must continuously sample the parameter for which it was installed and constantly indicate that parameter.

(f) That the extension meters are calibrated against their corresponding meters as often as necessary to insure their accuracy, but in no event less than once a week and

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2% of the value read on its corresponding meter.

(g) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter.

(h) That the station's modulation monitor is installed at the same location as the extension meters.

(i) That the transmitter is so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

6. It is proposed to amend § 73.284(a) by inserting a new subparagraph (4) and renumbering the present subparagraphs (4), (5), (6) and (7) as (5), (6), (7) and (8), which, as amended, would read as follows:

§ 73.284 Maintenance log.

(a) * * *

(4) When applicable, a notation once each week as to the results of calibration of extension meters against corresponding meters as required by § 73.276.

* * * * *

(f) That the extension meters are calibrated against their corresponding meters as often as necessary to insure their accuracy, but in no event less than once a week and

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2 percent of the value read on its corresponding meter.

(g) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter.

(h) That the station's modulation monitor is installed at the same location as the extension meters.

(i) That the transmitter is so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

6. It is proposed to amend § 73.284(a) by inserting a new subparagraph (4) and renumbering the present subparagraphs (4), (5), (6) and (7) as (5), (6), (7) and (8), which, as amended, would read as follows:

§ 73.284 Maintenance log.

(a) * * *

(4) When applicable, a notation once each week as to the results of calibration of extension meters against corresponding meters as required by § 73.276.

* * * * *

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2% of the value read on its corresponding meter.

(g) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter.

(h) That the station's modulation monitor is installed at the same location as the extension meters.

(i) That the transmitter is so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

9. It is proposed to amend § 73.584(a) by inserting a new subparagraph (4) and renumbering present subparagraphs (4), (5), (6) and (7) and (5), (6), (7), and (8), which, as amended, would read as follows:

§ 73.584 Maintenance log.

(a) * * *

(4) When applicable, a notation once each week as to the results of calibration

of extension meters against corresponding meters as required by § 73.574.

* * * * *

10. It is proposed to amend § 73.661 to read as follows:

§ 73.661 Operator requirements.

One or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitting apparatus is located; or where extension meters for monitoring critical parameters of the transmitter are located as provided by § 73.678 of this Subpart; or at an authorized remote control point established pursuant to the provisions of § 73.677; and shall be in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The original license (on FCC Form 759) of each station operator shall be posted at the place where he is on duty. The licensed operator on duty and in charge of the television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in nowise impair or impede the required supervision of the television broadcast transmitter. The transmitter or the transmitter extension meters and required monitors and other required metering equipment; or the controls, required monitors and other required metering equipment in an authorized remote control operation; shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

* * * * *

11. It is proposed to amend § 73.672(a) by inserting a new paragraph (3) and renumbering present paragraphs (3), (4), (5), (6), (7), and (8) as (4), (5), (6), (7), (8) and (9), which, as amended, would read as follows:

§ 73.672 Maintenance log.

(a) * * *

(3) When applicable, a notation once each week as to the results of calibration of extension meters against corresponding meters as required by § 73.678.

* * * * *

12. It is proposed to amend § 73.678 by renumbering the present title and text as § 73.633 and inserting the following new title and text as § 73.678:

§ 73.678 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the extension meters are sufficiently close to the operator's normal operating location that deviations from normal indications of required instruments can be observed from that location.

(d) That extension meters shall be installed for monitoring the direct plate voltage and current of the last radio stage of the visual and aural transmitters and the transmission line radio frequency current, voltage, or power of both transmitters. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding meters.

(e) That each meter must continuously sample the parameter for which it was installed and constantly indicate that parameter.

(f) That the extension meters are calibrated against their corresponding meters as often as necessary to insure their accuracy, but in no event less than once a week and

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2% of the value read on its corresponding meter.

(g) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter.

(h) That the station's modulation monitor is installed at the same location as the extension meters.

(i) That the transmitter is so installed and protected that it is not accessible to or capable of operation by persons other than those duly authorized by the licensee.

13. The Contents, Part 73, Subpart A, would be amended to delete the heading "Remote Control" preceeding the line "73.66 Remote control authorization" and to add a new line, "73.70 Extension Meters", after the present line "73.69 Antenna (phase) monitors".

14. The Contents, Part 73, Subpart B, would be amended to change the line "73.276 Permissible transmissions" to read "73.277 Permissible transmissions" and insert before it a new line to read "73.276 Extension meters".

15. The Contents, Part 73, Subpart C, would be amended to insert after the line "73.573 Remote control operation" a new line to read "73.574 Extension meters".

16. The Contents, Part 73, Subpart E, would be amended to insert after the line "73.662 Antenna structure, marking and lighting" a new line to read "73.663 Fraudulent billing practices".

17. The Contents, Part 73, Subpart E, would be amended to delete the line "73.678 Fraudulent billing practices" and insert in place thereof a new line "73.678 Extension meters".

[FR Doc.74-39 Filed 1-3-74;8:45 am]

[47 CFR Part 73]

[FCC 73-1313]

[Docket No. 18877, RM-1589]

RADIO AND TELEVISION STATIONS

Transmission of Coded Information

In the matter of amendment of Part 73 of the Commission's rules and regulations to permit the inclusion of coded information in the aural transmissions of radio and TV stations for the purpose of program identification.

1. The above entitled proceeding concerns the possible adoption of a rule which would permit the inclusion in the aural transmission of broadcast stations of coded information intended to be received and used in a system for the automatic identification of program segments which include such information.

2. The proceeding was initiated by a notice of proposed rule making adopted June 10, 1970, in response to a petition filed by Audicom Corporation. Audicom's proposal for the transmission of coded identification information contemplated the temporary excision in the upper audio frequency range of a narrow band of frequencies in the program material transmitted by a standard broadcast, or FM broadcast station, or in the aural channel of a TV broadcast station, and the insertion in this band of the coded information at a level sufficiently below the general program level as to render it substantially inaudible. After the coded information had been transmitted, the deleted band of frequencies would be automatically restored.

3. The following rule was proposed for consideration:

> The [aural] carrier may be frequency modulated by a signal with an occupied bandwidth no greater than 60 c/s, a center frequency of 3000 c/s, and a level not exceeding minus 50 decibels with respect to the level for 100 percent modulation, for the transmission of coded information necessary for the electronic identification of programs and spot announcements. No single transmission of the coded information shall exceed 2 seconds in duration. Such transmission shall not cause significant degradation of broadcast transmission.

4. The parameters set forth in the proposed rule were generally those specified by Audicom, except it had proposed that the center frequency be above 2500 Hz, its proposed identification signal level was "at least 50 dB below program content", and the proposed type of modulation to be employed for the identification signal was limited to "frequency shift telegraphy".

5. By subsequent orders, deadlines for filing comments and reply comments, initially set as August 21, 1970, and October 1, 1970, respectively, were extended to February 15, 1971, and March 15, 1971.

6. On February 10, 1971, a further notice of proposed rule making in this docket was adopted to enlarge the scope

of the proceeding so as to permit consideration of a system for aural program identification offered as an alternative to that proposed by Audicom. This system, proposed in a petition filed by International Digisonics Corporation on December 2, 1970, would employ an identification signal centered at 100 Hz with an occupied bandwidth of 20 Hz, transmitted by pulse duration modulation at a level not exceeding minus 12 dB with respect to 100 percent modulation, with the transmission time for a single identification code not to exceed 4 seconds.[1]

7. IDC alleged that this system had potential advantages over Audicom's, in that no program material need be removed while the identification signal was being transmitted, and with the much lower center frequency and the type of modulation proposed the potential perceptibility of the signal by the broadcast listener would be much reduced. Furthermore, IDC stated that its system would be more likely to reliably perform its intended function, since the Audicom system, with its much higher center frequency, is more susceptible to errors resulting from changes in the center frequency, caused by the differences in the speed with which program material containing identification information is recorded and reproduced.

8. Audicom's system had been the subject of some bench testing both with respect to effect of identification transmissions on the reception of program material, and the reliability with which it could perform its intended function. IDC's proposal apparently had never been tested as a complete system; it submitted with its petition a report of an experimental study of perceptibility levels of signals of various discrete audio frequencies, transmitted in pulses of various lengths.

9. In providing for the comparative consideration of the two systems, the Commission stated that both parties, pursuant to Commission authorization were expected to conduct on-the-air tests of their systems, and to file reports of the results of the tests in this proceeding. The deadline for filing these reports was set prior to the due date for comments, to give interested parties an opportunity to review the test results and to prepare their comments in the light of this information.

10. As later extended, the deadlines set for the filing of the reports was October 1, 1971, for comments, November 1, 1971, and reply comments, December 1, 1971.

11. Reports were filed by Audicom and IDC on October 1, 1971, and IDC filed a further report on November 9, 1971. While the latter report was, of course, late, it contains test information important to full consideration of IDC's proposal, and will be accepted.

12. Subsequently, a number of comments were timely filed, including a late filed comment by Storer Broadcasting Company. This comment was accompanied by a petition seeking its acceptance, which is hereby granted.

13. We have studied the test results submitted by the petitioners, together with the comments on these tests filed by interested parties. It is the consensus of these parties, with which we agree, that much more extensive testing is necessary before the adoption of rules authorizing the transmission of aural signals for program identification can be considered seriously.

14. This is not to say that the same amount of additional information is required with respect to each proposal. The basic feasibility of an identification system operating within the general parameters proposed by Audicom has been demonstrated. What is required with respect to this system is a further intensive examination of the reliability of the system under various conditions of operation and with various kinds of program material, and some further testing of the effect of the system on program degradation, particularly with respect to that resulting from the loss of program material caused by insertion of the band-stop filter.

15. In IDC's case, no systematic attempt has apparently been made to determine the accuracy or reliability with which the identification code can be recovered, and there is little evidence that a system employing the parameters similar to those proposed by IDC can, in fact, perform its intended function in a satisfactory manner without a clearly unacceptable degree of program degradation.

16. Both proponents have significantly changed the parameters of their systems from those which were originally proposed, but in Audicom's case the changes reflect a logical development of the basic system: IDC's efforts were much more elementary in nature, representing little more than an attempt to explore its basic contention that an identification system operating at a low audio frequency should be more satisfactory than one in the 3000 Hz range. It apparently was immediately discovered that its original proposal to mingle the identification information with the program material at a level 12 dBs below the peak program level was not feasible, and investigated the possibility of removing program material below 150 to 200 Hz with a high pass filter to accommodate the 100 Hz identification signal.

17. This approach was rejected as causing an unacceptable degree of program degradation, and on-the-air testing was subsequently conducted with an identification signal centered at 154 Hz (midway between the nominal fundamental frequencies of male and female voices) in an extremely sharp slot (approximately 25 Hz) cut in the program material. Tests were conducted with the identification signal submerged at the —20 and —30 dB levels, respectively. In a test conducted September 27 through October 1, 1973, over KREP–FM, San Jose, California, at the 20 dB submergence level, the identification signal was apparently observed by uncoached listeners in 69 out of 600 transmissions of the signal, with 33 others cases where listeners reported transmission abnormalities which might be attributed to the identification signal. At —30 dB submergence, the identification signal is apparently inaudible. IDC stated that at the —20 dB level, identification information might be recovered by relatively simple techniques; at —30 dB, "more complex methods of signal enhancement would be necessary for reliable recovery of the code." It did not demonstrate, in either case, however, the actual detection of the identification information.

18. Audicom's system was tested both closed-circuit and on-the-air with WHLI–FM and WGSM(AM) with an identification signal of 2877 Hz, in a signal pass band of 150 Hz. The band was increased from the 60 Hz value originally proposed largely to accommodate variations in the center frequency of the identification signal, expected to be caused by unavoidable differences in the speed at which program material is recorded and reproduced. AFC circuitry was provided to lock the decoder to the identification signal. In addition, an automatic gain control system was included which adjusts the level of identification signal submergence in accordance with instantaneous program level, an increase of as much as 15 dB in the identification signal level occurring during periods of heavy program modulation, as compared to the level of the signal obtaining when the carrier is lightly modulated, or is without modulation. As a result of its closed circuit and off-air tests, Audicom proposes a signal transmission band of 200 Hz, with a basic submergence level for the identification signal of 50 dB for AM and 55 dB for FM. At these levels, no errors in code transmittals occurred for AM (out of 40 transmitted codes) or for FM (out of 56 transmitted codes). The audibility of code transmissions at these levels (as detected by both coached and uncoached observers) were as follows:

At 50 dB, for 268 observations, the code was observed in 39% of the cases, but in no instance was deemed objectionable;

At 55 dB, for 390 observations, the code was observed in 23% of the cases, but in no case deemed objectionable.

19. After a full study of the results of these tests which, of course, we have only briefly summarized above, and the comments which have been submitted, we conclude that the adoption at this time of any rule permitting the transmission of aural identification signals would be premature and unwarranted.

20. At this point, IDC has not demonstrated a workable system. It has shown, as it postulated, that an identification

[1] The further notice also provided for the examination of the question of the assignment of responsibility for the content and technical acceptability of coded material furnished to the broadcast licensee for transmission, under conditions in which the licensee is practically denied knowledge of the specific content of the material, and has only limited control over the technical parameters of the transmitted code. This subject is not to be treated in the instant document, but will be dealt with by subsequent Commission action.

signal transmitted at low audio frequency need not be "submerged" below peak program level to as great an extent as a signal in the 3000 Hz range to be substantially inaudible. However, it has found a concomitant disadvantage—the signal apparently can be recovered and used only at a relatively high level (above −30 dB). It has encountered severe filtering problems at the lower frequency.

21. The effect of the insertion of the band-stop filter on program quality has not been separately investigated by either IDC or Audicom. This effect is potentially more severe in the IDC system, since the rejected band, even though narrow, in absolute terms, as compared to that proposed by Audicom, represents a much larger percentage of the center frequency, and the program material is removed in a much more critical portion of the audio spectrum. However, adverse effects, in the absence of proof to the contrary, cannot be considered as negligible in the Audicom system, which now contemplates a "window" of 200 Hz, obtained with a filter whose characteristics are otherwise unspecified, and which may effectively reject a considerably wider range of program frequencies.

22. While Audicom demonstrated, under the conditions obtaining during the tests, the reliable performance of the identification function, the fact remains that, during periods when program modulation is light, the identification signal will be transmitted at a level which may be exceeded by the noise in the transmitter, or in some other portion of the system. It has also been suggested that harmonics of lower program frequencies or intermodulation products of sufficient strength to interfere with signal detection, may fall in the "window", but this seems less likely to occur if, as is now proposed, the level of the identification signal rises as the percentage of program modulation increases. In any event, it seems necessary to test the reliability of this system and the perceptibility of the identification signal to the broadcast audience much more thoroughly under various conditions of operation, and with various equipment configurations, not only to determine the effects on noise in these circumstances, but to unearth any special problems which would restrict the general applicability of this technique. It should be noted that AGC amplifiers, and particularly limiters, by restricting peak program levels, may effectively raise the relative level of the identification signal. This raises two possibilities: (1) That, if limiting is excessive, the identification signal may become objectionably obtrusive, and (2) that the identification signals, originally inserted in recorded material with a degree of submergence required by rule may be transmitted under conditions where they do not meet this requirement.[2]

23. Any aural identification system intended for general application must, of course, function satisfactorily over network lines, and with all kinds of aural recording media. At the present time, the aural identification signals have been tested only where they have been inserted in tape recordings, and fed into the broadcast station's audio system. Accordingly, network transmission of the signals should be investigated. The feasibility of their use with other recording media also should be thoroughly explored, particularly with motion picture film having both optical and magnetic sound tracks. Noise, and perhaps, film speed variations are possible sources of adverse effects on signal detection reliability when this recording medium is employed.

24. It has been suggested that propagation effects between the transmitter and monitoring point should be investigated. While the factor cannot be entirely neglected, it is probably a question of secondary importance, since ordinarily a monitoring site could be selected where the signals of the stations monitored would be free from propagation anomalies, and of sufficient strength that noise or interstation intereference would not hamper the detection of identification signals. (A possible exception might exist in the case of AM monitoring, where identification signal reception at an otherwise satisfactory location conceivably may be interrupted, at least for a small percentage of the time, by atmospheric noise.)

25. We have outlined above the general areas where we believe the aural program identification systems require further development and testing. In certain instances, the gathering of the necessary information is a task which may require the participation of persons other than the system proponents. In any event, we consider that broader industry participation in this endeavor is highly desirable, so as, hopefully, to create a consensus in the industry as to the technical feasibility of the aural identification system, and agreement on the optimum parameters for such a system.

26. Rule making action will be held in abeyance pending the submission of the results of additional testing by the system proponents, and by others who may be interested in this matter. We are uncertain as to how long a period may be required to fully explore all technical aspects of aural program identification, but we intend to afford such time as may be reasonably necessary for diligent and thorough testing and evaluation. We are setting March 7, 1974, as a deadline for the submission of interim reports, and will determine after an examination of these reports, the further course of this proceeding.

27. In accordance with the provisions of § 1.419 of the Rules, an original and 14 copies of all reports shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: December 12, 1973.

Released: December 18, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-13 Filed 1-3-74;8:45 am]

[2] For instance, § 73.40(a)(6) of the Commission's rules requires the noise in AM transmitters to be only 45 dB below 100% modulation, while § 73.317(a)(5), for FM transmitters requires that noise to be 50 dB below this modulation level. Audicom proposes 50 dB "submergence" for AM and 55 dB for FM, both of which are below the permissible transmitter noise level.

[47 CFR Part 73]

[Docket No. 19902]

DAYTIME AM RADIO BROADCAST STATIONS

Advancement in Sign-On Times

In the matter of amendment of Part 73 of the Commission's rules to provide a one-hour advancement in the sign-on times of daytime AM broadcast stations to recoup the morning hour lost by the enactment of year-around Daylight Saving Time.

1. By Public Law approved December 15, 1973, and effective January 6, 1974 (Pub. L. 93-182), Daylight Saving (advanced) time will be observed throughout most of the nation, on a year-around basis, through the last Sunday of April, 1975. This legislation, adopted as an energy conservation measure, amends the Uniform Time Act of 1966, under which most of the country heretofore observed advanced time for only six months each year.

2. The adoption of year-around advanced time will affect the early morning operations of the approximately 2,274 daytime stations in the United States, and particularly those 624 daytimers not holding pre-sunrise service authorizations (PSA's). Of this 624, 346 are ineligible for PSA's under current regulations. Another 278 are technically eligible for PSA's but have not applied—in most cases because the pre-sunrise operating benefits available to them under present regulations are highly marginal in terms of permissible sign-on times and power levels. Under the new legislation, and absent remedial action by the Commission, the sign-on times for these 624 stations, and for Class II daytimers generally, would be delayed a full hour in relation to community clock time during the October-April portion of the year. For example, a 7:30 a.m. sign-on in January will become an 8:30 a.m. advanced-time sign-on. Revenue losses from loss of the "drive-time" audience may adversely affect the financial viability of an undetermined number of daytime stations.

3. In recognition of this problem, the Congress has, in section 6 of Pub. L. 93-182, provided as follows:

SEC. 6. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make such adjustment by general rules, or by interim action pending such general rules, with respect to hours of operation of daytime standard amplitude modulation broadcast stations, as may be consistent with the public's interest in re-

ceiving interference-free service. Such general rules, or interim action, may include variances with respect to operating power and other technical operating characteristics. Subsequent to the adoption of such general rules, they may be varied with respect to particular stations and areas because of the exigencies in each case.

By companion order released today in this proceeding, we have attempted to provide the interim relief contemplated by this legislation pending the completion of general rule making and the outcome of negotiations with foreign governments concerning stations presently precluded, by foreign clear channel protection requirements, from obtaining the one-hour advancement.

4. The pre-sunrise operating benefits obtainable under present rules are an outgrowth of three major rule making proceedings and companion international agreements reached with Canada and Mexico over the past six years. "Report and Order" in Docket No. 14419, 8 FCC 2d 698 (1967); "First Report and Order" in Docket No. 18023, 14 FCC 2d 393 (1968); "Report and Order" in Dockets Nos. 17562, 18023, and 18036 (1969); 1967 agreement with Canada concerning pre-sunrise transmission in the standard broadcast band (TIAS–6268); and 1970 agreement with Mexico concerning pre-sunrise transmission in the standard broadcast band (TIAS–7021). In general terms, the pre-sunrise operating benefits for daytimers which have resulted from these proceedings and agreements are as follows: Of the 1,650 daytime stations holding PSA's, most are Class III stations assigned to the 41 regional channels shared with a lesser number of fulltime stations. Their PSA's permit a 6:00 a.m. local time sign-on, with a power of 500 watts (or less when necessary to meet foreign station protection requirements). A substantial (but lesser) number of daytimers holding PSA's are assigned to U.S. and foreign clear channels. Their sign-on times are regulated by sun-rise times at the co-channel dominant stations to the east, with power reduced to afford interference protection to the co-channel station(s) to the west. In no event does a PSA permit a sign-on time earlier than 6:00 a.m., local time, or an operating power in excess of 500 watts. Because of the added time and power limitations normally applying to daytimers assigned to clear channels, they are more seriously affected by the new legislation than are the daytimers on regional channels.

5. The problem of greatest urgency is the status of the 346 daytimers currently ineligible for pre-sunrise operating privileges in any form. These include Class II stations assigned to Canadian and Bahamian I–A clear channels; Class II stations assigned to U.S. I–A clear channels and located east of the dominant station; Class II stations located within or near the 0.5 mV/m 50 percent skywave contours of co-channel U.S. I–B clear channel stations; and Class II stations so located that they cannot meet foreign co-channel protection requirements.

6. The majority of these "ineligibles" (243) are assigned to the seven Canadian and one Bahamian I–A clear channels: 540 kHz, 690 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz, 1540 kHz, and 1580 kHz. For the time being, and pending the outcome of international negotiations being initiated at this time, we are unable to offer any relief to licensees in this particular category. While we are keenly aware of the economic and competitive dislocations involved, these stations will, until further order of the Commission, be required to continue to observe the standard (non-advanced) sign-on times presently specified in their licenses for each month of the year.

7. Most of the remaining 103 "ineligibles" are Class II daytimers assigned to frequencies on which the United States has I–A and I–B clear channel priorities. As to stations on these channels, it is possible to grant relief, where none now exists, without further negotiations with foreign governments. This has been done on an interim, reduced-power basis in the companion Order released today in this proceeding. (These stations are presently ineligible for PSA's either because they are located within or near the 0.5 mV/m 50 percent skywave contour of a co-channel Class I–B clear channel station, or are located east of a co-channel I–A, the latter being protected by exclusivity of assignment rather than by defined service contours.)

8. It is apparent that earlier sign-on times at Class II daytimers on these clear channels will result in skywave interference to the dominant station assignments. This will be true whether the interference is calculated under the "second hour" curves normally used in determining nighttime interference, or under diurnal curves which show less interference impact than conventional nighttime computations. Whether these losses of areas and populations to interference should be regarded as serious depends on how many rural listeners presently rely on the clear channel services available to them and the importance attached to those services. We have no recent information concerning the listening habits of rural residents in this regard. In any event, whatever skywave interference may result from new co-channel Class II operations during the early morning hours will lessen with the approach of sunrise. Moreover, it will be minimized by the power ceilings proposed in paragraph 9, infra.

9. In view of the overriding objectives of Pub. L. 93–182, we have tentatively determined that a new class of pre-sunrise service authorization should be created, to be known as "temporary pre-sunrise service authorizations" (TPSA's). A TPSA, if granted, would provide the one-hour advancement in sign-on times comtemplated by Congress. It would be issued to PSA holders and non-PSA holders alike, except that persons eligible for a PSA would be required to obtain one as a condition precedent to obtaining a TPSA. Class III PSA-holders assigned to regional channels, as well as Class II PSA-holders assigned to Mexican I–A clear channels, may already, under § 73.99 of the rules and the terms of their PSA's, commence operation as early as 6:00 a.m. local time. Hence, there would be no need for stations in these two categories to apply for TPSA's. Requests for TPSA's filed by other Class II daytimers would be processed under amendments to the existing PSA rule by adding a new paragraph (j) to § 73.99 as follows:

§ 73.99 Presunrise service authority.

* * * * *

(j) During the effectiveness of national legislation requiring a one-hour time advancement between the last Sunday of October and the last Sunday of April, licensees and permittees of Class II daytime stations, except those stations assigned to Canadian and Bahamian I–A clear channels or whose sign-on times are regulated by sunrise times at foreign I–B clear channel stations to the east, may request, by letter, a temporary pre-sunrise service authorization (TPSA). If granted, the TPSA shall specify a one-hour advancement in the regularly licensed or PSA sign-on times, as appropriate, and shall be subject to the following requirements and limitations:

(1) The starting time shall be no earlier than 6:00 a.m., local time.

(2) For TPSA-holders ineligible for a PSA, the operating power shall not exceed 50 watts: *Provided*, That upon a showing that the need for the extended service outweighs the interference to the clear channel stations concerned, operating power of up to 100 watts may be authorized.

(3) For TPSA-holders holding PSA's, the operating power shall correspond to that authorized in the PSA.

(4) No request for a TPSA shall be granted to a licensee or permittee eligible for, but not holding, a PSA.

(5) TPSA's issued under the provisions of this paragraph shall, up to operating powers of 50 watts, be granted without regard to co-channel skywave interference caused to Class I–A, Class I–B, and Class II fulltime co-channel stations in the United States.

(6) Foreign nighttime interference protection requirements, as defined in international agreements to which the United States is a party, shall be observed.

(7) Any request for a TPSA shall describe the method whereby the power reduction will be achieved, shall identify foreign fulltime stations (if any) on the channel, and shall include calculations to establish that operating as proposed, no objectionable intereference to foreign stations will result.

(8) Authorizations issued under this paragraph shall confer no interference protection on the holders thereof, and shall otherwise comply with the provisions of paragraphs (e), (f), (g), (h), and (i) of this section.

10. We invite comments on the specific proposal outlined above, together with the following related matters:

(a) A substantial number of daytime AM licensees and permittees have co-

owned, unlimited-time FM broadcast stations assigned to the same or nearby communities. In view of their present ability to render an early morning service in the FM band, should they be eligible for TPSA's on the same footing as daytimers with no FM affiliation?

(b) There are 52 daytime stations holding PSA's whose pre-sunrise powers are limited to less than 50 watts in order to afford 0.5 mV/m 50 percent skywave protection to U.S. Class I–B clear channel stations.[1] In addition, there are 105 more daytimers on these channels which are restricted as to hours only; i.e., with permitted sign-on times delayed beyond 6:00 a.m. Finally, there are more than 275 daytimers technically eligible for PSA's but which have never applied. Analysis of the latter group shows that approximately half, if they applied, would be limited to PSA operating powers of less than 10 watts and/or significant restrictions as to time. The question thus presented is whether an effort should be made in this proceeding to place these 432 stations on the same power footing as presently ineligible stations which, presumably, will be applying for TPSA's. The comments of interested parties on this aspect of the problem are requested.

(c) Fulltime stations (including 261 fulltimers presently holding PSA's which provide an optional mode of operation during the pre-sunrise hours) are beyond the scope of the interim relief intended by Congress. We recognize, however, that fulltime stations (along with specified hours stations) will be required to continue pattern-shifting at the non-advanced times specified in their station licenses. Depending on the severity of nighttime pattern restrictions, some of these stations could be disadvantaged during the pre-sunrise hours vis-a-vis daytimers in the same market holding PSA's and/or TPSA's. We also recognize that any effort to advance pattern-shifting times at fulltime and specified hours stations (where such advancement involves licensed modes rather than PSA facilities) might well create hearing rights on behalf of other fulltimers on the same channels, and would raise serious questions under definitions of daytime and nighttime operation as set forth in the 1950 North American Regional Broadcasting Agreement (NARBA, TIAS–4460) and the 1970 U.S.-Mexican standard broadcasting agreement (TIAS–7021). The comments of interested parties are nonetheless invited.

11. Authority for institution of this proceeding, and for adoption of rules concerning the matters involved, is contained in sections 4(i), 303(r), and 403 of the Communications Act of 1934, as amended.

12. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before February 20, 1974, and reply comments on or before March 22, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding.

13. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

14. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. All filings made in this proceeding will be made available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, Washington, D.C.

Adopted: December 18, 1973.

Released: December 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–11 Filed 1–3–74;8:45 am]

[1] Fifty (50) of these stations, because of their geographic relationship with their co-channel dominant stations, are also seriously limited as to sign-on times.

[47 CFR Part 73]

FM BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b), *Table of Assignments,* FM Broadcast Stations. (Goshen and South Bend, Indiana, and Dowagiac, Michigan), Docket No. 19831, RM–2044.

1. The dates for filing comments and reply comments in this proceeding are extended to January 23, and February 1, 1974, respectively; the date for Stations WETL and WDOW–FM to respond to the Orders to Show Cause is extended to February 20, 1974.

2. The reason for this action is that in fact the FM broadcast stations affected by the Orders to Show Cause apparently were not served with a copy of the Notice of Proposed Rule Making and Orders to Show Cause, adopted September 26, 1973 (FCC 73–1009) (38 FR 31895), as required by the Commission's Rules and Regulations. In the circumstances, these parties will be served with a copy of that Notice and a copy of this Order.

3. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, and § 0.281 of the Commission's rules and regulations.

Adopted: December 26, 1973.

Released: December 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief Broadcast Bureau.

[FR Doc.74–323 Filed 1–3–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19789]

COMBINATION ADVERTISING RATES AND OTHER JOINT SALES PRACTICES

Order Extending Time for Filing Reply Comments

1. On July 18, 1973, the Commission adopted a notice of inquiry and notice of proposed rule making in the captioned proceeding. Publication was given in the FEDERAL REGISTER on July 30, 1973, 38 FR 20276. The time for filing comments expired on December 3, 1973, and the time for filing reply comments is presently specified as January 3, 1974.

2. On December 17, 1973, counsel on behalf of Cox Broadcasting Corporation, requested that the time for filing reply comments be extended to January 21, 1974. Counsel states that more than 20 sets of comments have been filed and that a review of those comments and the preparation of reply comments is a significant task. Counsel also notes that meeting the present filing date is made more difficult by the intervening holiday season.

3. The extension of time would serve the public interest by affording all interested parties the opportunity to comment fully on the materials submitted in this proceeding. *Accordingly, it is ordered,* That the date for filing reply comments is extended to and including January 21, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), 303(r) and 403 of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: December 19, 1973.

Released: December 21, 1973.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–324 Filed 1–3–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19902]

EMERGENCY IMPLEMENTATION OF NATIONAL DAYLIGHT SAVING TIME

Order

1. By Public Law approved December 15, 1973, and effective January 6, 1974 (PL 93–182). Daylight saving (advanced) time will be generally observed in the nation on a year-around basis, through the last Sunday of April, 1975. This legislation, adopted as an energy conservation measure, amends the Uniform Time Act of 1966, under which most of the country heretofore observed advanced time for only six months of the year.

2. To enable affected stations to recoup the resulting one-hour morning time loss between the last Sunday of October and the last Sunday of April, section 5 of PL 93–182 directs the Commission to make appropriate adjustments in the sign-on times and pre-sunrise powers of day-

time-only AM broadcast stations to the extent feasible in light of existing treaty commitments and clear channel protection considerations.[1]

3. By Notice of Inquiry and Proposed Rule Making released today in this proceeding, we have proposed that during the effectiveness of PL 93–182, certain classes of daytime-only stations be permitted to apply for temporary pre-sunrise service authorizations (TPSA's). Except for stations with foreign interference problems, the TPSA would, in general, provide the holder with one hour of added pre-sunrise operation at an operating power of 50 watts, with provision for higher power (up to 100 watts) in certain limited situations.

4. Approximately, 1650 daytime stations hold pre-sunrise service authorizations (PSA's) under § 73.99 of our rules. Most PSA holders are Class III stations on regional channels, and operate with a pre-sunrise power of 500 watts (or less, if necessary to meet foreign co-channel protection requirements). These Class III daytimers holding PSA's may commence operation with their PSA powers at 6 a.m. local time, and will therefore automatically achieve a one-hour advancement under PL 93–182 during the October-April portion of the year.

5. A substantial (but lesser) number of daytimers holding PSA's are assigned to U.S. and foreign clear channels. Their sign-on times are regulated by actual sunrise times at co-channel dominant stations to the east, with power reduced to afford interference protection to co-channel dominant stations (if any) to the west. Finally, there are 346 daytimers currently ineligible for pre-sunrise operating privileges in any form. These include Class II stations assigned to U.S. I–A clear channels and located east of the dominant station; Class II stations within or near the 0.5 mV/m 50 percent skywave contours of co-channel U.S. I–B clear channel stations; Class II stations assigned to Canadian and Bahamian I–A clear channels; and Class II stations so located that they cannot meet foreign co-channel protection requirements.

6. The rule making proceedings initiated today cannot be completed prior to the January 6, 1974, effective date of PL 93–182. In order to afford interim relief to as many of the affected stations as possible we are, on an emergency basis, taking the measures ordered below. Authority for the adoption of this Order is contained in section 6 of PL 93–182 and section 4(i) of the Communications Act of 1934, as amended. Because of the urgent need for the interim adjustments herein ordered and because we interpret the new legislation as permitting these adjustments without regard to hearing rights which might otherwise be asserted by affected fulltime stations under section 316 of the Communications Act, we find that compliance with the notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) is not required.

7. *Accordingly, It is ordered,* That effective January 6, 1974, and pending further action of the Commission:

(a) Class III daytimers assigned to regional channels and presently holding PSA's may, in accordance with § 73.99 of the rules, sign on at 6 a.m. local (advanced) time with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities specified therein.

(b) Class II (secondary) daytimers assigned to Mexican I–A clear channels and presently holding PSA's may, in accordance with § 73.99 of the rules, sign on at 6 a.m. local (advanced) time with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(c) Class II (secondary) daytimers assigned to Canadian or Mexican I–B clear channels and presently holding PSA's shall, pending outcome of international negotiations, continue to sign-on at the actual sunrise time at the controlling foreign Class I–B station to the east (if any) with the pre-sunrise facilities described in their PSA's. The sign-on times shall be one hour later than those listed for the October–April portion of the year in Commission letters held by such Class II stations. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(d) Class II (secondary) daytimers assigned to U.S. I–A and I–B clear channels and presently holding PSA's may achieve the one-hour advancement by adhering, throughout the year, to the sign-on times specified in outstanding Commission letters with the pre-sunrise facilities described in their PSA's. The PSA mode of operation shall be continued until the standard (non-advanced) sign-on times specified in their station licenses, at which times they shall shift to the daytime facilities authorized therein.

(e) Class II (secondary) daytimers assigned to Canadian and Bahamian I–A clear channels (i.e., 540 kHz, 690 kHz, 740 kHz, 860 kHz, 990 kHz, 1010 kHz, 1540 kHz, and 1580 kHz) shall, pending outcome of international negotiations, continue to observe the standard (non-advanced) sign-on times specified in their station licenses.

(f) Class II (secondary) daytimers assigned to U.S. I–A and I–B clear channels and currently ineligible for a PSA because of their geographic relationship or proximity to U.S. co-channel dominant stations may, on the effective date of this Order, commence operation one hour prior to local sunrise with a power of 50 watts into the daytime or critical hours antenna system, as appropriate, and may continue such mode of operation until the standard (non-advanced) sign-on times specified in their station licenses: Provided, That on or before April 15, 1974, stations availing themselves of this privilege shall give written notice to the Commission setting forth the date such operation commenced, describing the method whereby the power reduction has been achieved, and including calculations to establish that the 50 watt pre-sunrise operation causes no objectionable interference to any foreign station; and: Provided further, That in no event shall operation under this paragraph commence earlier than 6 a.m. local time; and: Provided further, That radio stations WOI, Ames, Iowa; WNAD, Norman, Oklahoma; WHLO, Akron, Ohio; WWJC, Duluth, Minnesota; and KRPT, Anadarko, Oklahoma, shall, pending outcome of international negotiations, delay their sign-on times until local sunrise at the Canadian and Mexican Class I–B clear channel stations on their frequencies, as identified in the Attachment.[2]

8. *It is further ordered,* That any licensee or permittee eligible for a PSA must apply for and obtain such PSA before the privileges conferred by this Order shall become operative.

9. *It is further ordered,* That to the extent that operations undertaken under this Order may conflict with the Commission's technical rules, such rules, are hereby waived.

10. *It is further ordered,* That any operation undertaken under the terms of this Order may be modified or terminated by the Commission, without prior notice or right to hearing. If necessary to resolve international interference conflicts, to implement agreements with foreign governments, or in other circumstances warranting such action.

11. *It is further ordered,* That the pre-sunrise operating benefits conferred by this Order shall not apply to stations located in states, or portions of states, in which advanced time is not observed during the October–April portion of the year.

12. *It is further ordered,* That this Order, or a photocopy thereof, shall be posted by all licensees and permittees undertaking to operate under the terms thereof, with an indication of the paragraph under which the pre-sunrise operation is being conducted.

Adopted: December 18, 1973.

Released: December 20, 1973.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.74–12 Filed 1–3–74;8:45 am]

[1] Since daytime stations will continue to sign off at the standard (non-advanced) times specified in their station licenses, the one-hour adjustment contemplated by Congress will actually add one hour to the daily operating schedule. Fulltime and specified hours stations are beyond the scope of this Order. Such stations must therefore employ their authorized nighttime facilities to provide whatever extended hours of operation they deem appropriate. The possible adjustment of pattern-switching times for fulltime and specified hours stations will, however, be considered in the companion rule-making proceeding initiated today.

[2] Filed as part of the original.

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

Customs Service

[T.D. 74-9]

FOREIGN CURRENCIES

Certification of Rates

DECEMBER 19, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 percentum or more from the quarterly rate published in Treasury Decision 73-294 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Austria schilling:	
December 10, 1973	$0.0513
December 11, 1973	.0513
December 12, 1973	.0515
December 13, 1973	.0514
December 14, 1973	.0513
Belgium franc:	
December 10, 1973	$0.024865
December 11, 1973	.024845
December 12, 1973	.024870
December 13, 1973	.024860
December 14, 1973	.024880
Denmark krone:	
December 10, 1973	$0.1602
December 11, 1973	.1605
December 12, 1973	.1613
December 13, 1973	.1618
December 14, 1973	.1611
France franc:	
December 10, 1973	$0.2195
December 11, 1973	.2198
December 12, 1973	.2196
December 13, 1973	.2196
December 14, 1973	.2192
Germany deutsche mark:	
December 10, 1973	$0.3776
December 11, 1973	.3779
December 12, 1973	.3795
December 13, 1973	.3786
December 14, 1973	.3776
India rupee:	
December 12, 1973	$0.1230
December 13, 1973	.1230
December 14, 1973	.1230
Italy lira:	
December 10, 1973	$0.001639
December 11, 1973	.001644
December 12, 1973	.001652
December 13, 1973	.001651
December 14, 1973	.001650
Japan yen:	
December 10, 1973	$0.003570
December 11, 1973	.003570
December 12, 1973	.003571
December 13, 1973	.003570
December 14, 1973	.003570
Netherlands guilder:	
December 10, 1973	$0.3550
December 11, 1973	.3547
December 12, 1973	.3573
December 13, 1973	.3577
December 14, 1973	.3567
Portugal escudo:	
December 10, 1973	$0.0398
December 11, 1973	.0396
December 12, 1973	.0398
December 13, 1973	.0396
December 14, 1973	.0395
Sweden krona:	
December 10, 1973	$0.2210
December 11, 1973	.2212
December 12, 1973	.2211
December 13, 1973	.2211
December 14, 1973	.2203
Switzerland franc:	
December 10, 1973	$0.3132
December 11, 1973	.3127
December 12, 1973	.3134
December 13, 1973	.3131
December 14, 1973	.3126

[SEAL] JAMES D. COLEMAN,
Acting Director, Appraisement and Collections Division.

[FR Doc.74-184 Filed 1-3-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

DECEMBER 28, 1973.

The USAF Scientific Advisory Board Armament Development and Test Center Advisory Group will hold closed meetings on January 9 and 10, 1974, from 8:30 a.m. until 4 p.m., at the Armament Development and Test Center, Building 1, Eglin Air Force Base, Florida.

The Group will review progress and receive classified briefings on selected munitions R&D programs.

The USAF Scientific Advisory Board Space and Missile Systems Organization Advisory Group will hold closed meetings on January 10 and 11, 1974, from 9 a.m. until 4:30 p.m., at the Los Angeles Air Force Station, Command Presentation Center, Building 105, Los Angeles, California.

The Group will receive classified briefings on Spacecraft Survivability.

The USAF Scientific Advisory Board Aeronautical Systems Division Advisory Group will hold closed meetings on January 16 and 17, 1974, from 8:30 a.m. until 5 p.m., at the Aeronautical Systems Division, Building 14, Room 222, Wright-Patterson Air Force Base, Ohio.

The Group will receive clasified briefings on Strategic Penetration, Nuclear Propulsion, High Energy Lasers, and Advanced Fighter Technology.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-4648.

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

[FR Doc.74-282 Filed 1-3-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

BLACKWATER REFUGE

Notice of Rescheduling of Public Hearing

Due to adverse weather conditions the public hearing originally scheduled for December 19, 1973, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Blackwater Refuge within the National Wilderness Preservation System is hereby rescheduled for January 21, 1974. The hearing will be held beginning at 9 a.m. at the Blackwater Refuge Visitor Center, Cambridge, Maryland. Written comments may be submitted for inclusion in the official record of the hearing to Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormick Post Office and Courthouse, Boston Massachusetts 02109 until February 21, 1974.

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

DECEMBER 27, 1974.

[FR Doc.74-227 Filed 1-3-74;8:45 am]

Bureau of Land Management

MONTROSE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Colorado Grazing District Board #3A will hold its meeting on Thursday, January 17, 1974, at the San Juan Resource Headquarters of the Montrose District, 1211 Main Street, Durango, Colorado, starting at 10 a.m. in the Resource Area Manager's room.

The agenda for the meeting will be the consideration of protests on grazing applications decisions and applications to transfer grazing privileges.

The meeting will be open to the public as space is available.

Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, James Suckla, prior

to the meeting of the Board. Oral statements will be heard at 1 p.m.

Any interested person may file a written statement with the Board for its consideration. Written statements should be submitted to James Suckla, c/o District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401.

DALE R. ANDRUS,
State Director.

[FR Doc.74-226 Filed 1-3-74;8:45 am]

[CA 250]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 18, 1973.

The Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, U.S. Department of the Interior, has filed application, Serial No. CA 250, to withdraw from all forms of appropriations under the public land laws, including the mining laws (30 U.S.C., Ch. 2) but not from leasing under the mineral leasing laws, subject to prior valid existing rights, all of the unreserved islands, rocks, and reefs in Federal ownership offshore from the coast of California, lying above the mean high tide from Oregon to the Mexican border, for establishment of the California Island National Wildlife Refuge.

The islands are used by a variety of waterfowl during migration. Shorebirds and waterbirds nest, feed, and rest and use the islands for shelter. Some of the islands with connecting reefs provide resting habitats for sea lions and seals. Other islands are used by endangered species such as the California brown pelican. By the filing of the proposed withdrawal application, the Bureau of Sport Fisheries and Wildlife proposes to provide protection of specialized island ecosystems capable of supporting animal life, thereby assuring the continued availability of an undisturbed environment necessary to maintain wildlife populations.

Executive Order 5326 dated April 14, 1930, which temporarily withdrew all of the unreserved islands, rocks, and pinnacles, situated in the Pacific Ocean off the coast of California from settlement, location, sale or entry for classification and in aid of legislation, subject to valid existing rights, will be superseded by the issuance of a public land order to establish the California Island National Wildlife Refuge.

To facilitate a more precise identification of the areas affected by the proposed withdrawal, detailed USGS quadrangle maps are on file and available for public inspection at the California State Office, Bureau of Land Management at Sacramento, California. The majority of the islands, rocks and reefs are unsurveyed, therefore the maps are a reference in lieu of a legal description and a total acreage is also unavailable.

On or before January 28, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-125 Filed 1-3-74;8:45 am]

Office of the Secretary

[INT DES 73-111]

PROPOSED FORT NIOBRARA WILDERNESS AREA, NEBRASKA

Notice of Availability of Draft Environmental Statement

Pursuant to section 1022(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Fort Niobrara Wilderness Area, Nebraska, and invites written comments on or before February 18, 1974.

The proposal recommends approximately 4,635 acres within the Fort Niobrara National Wildlife Refuge in Cherry County, Nebraska, be designated as wilderness within the National Wilderness Preservation System. A public hearing on the proposal will be held in Valentine, Nebraska.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
10597 West Sixth Avenue
Denver, Colorado 80215

Headquarters
Fort Niobrara National Wildlife Refuge
Hidden Timber Rt.
Valentine, Nebraska 69201

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated: December 19, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.74-124 Filed 1-3-74;8:45 am]

[INT DES 73-115]

PROPOSED WATERTOWN-SIOUX CITY-MOVILLE 345-kv TRANSMISSION LINE, SOUTH DAKOTA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Watertown, South Dakota-Sioux City-Moville, Iowa, transmission line as a part of the Transmission Division, Pick-Sloan Missouri Basin Program, South Dakota.

The statement concerns construction of the 200-mile 345-kv transmission line between the existing Watertown, South Dakota, Substation and a new 345-kv yard at Sioux City and Moville, Iowa.

The principal function of the transmission line is to improve reliability of service in the Nebraska-Iowa area. Comments are invited within forty-five days. Comments can be directed to the Regional Director, Billings, Montana (full address is below):

Copies are available for inspection at the following locations:

Office of Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, Post Office Box 2553, Billings, Montana 59103 Telephone (406) 245-6711.

Missouri-Oahe Projects Office, Bureau of Reclamation, Post Office Box 825, Huron, South Dakota 57350 Telephone (605) 352-8651.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: December 27, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-211 Filed 1-3-74;8:45 am]

EARL D. DRYER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Delete: Hesston Corp. Add: Macy Credit Corp., Central Hudson Gas & Electric Corp., Norton Co., Southern California Edison Co., Niagara Mohawk Power Corp.
(3) No change.
(4) No change.

This statement is made as of December 4, 1973.

Dated: December 4, 1973.

EARL D. DRYER.

[FR Doc.74-19 Filed 1-3-74;8:45 am]

ELMER HALL

Statement of Changes in Financial Interests

In accordanee with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of December 3, 1973.

Dated: December 3, 1973.

ELMER HALL.

[FR Doc.74-20 Filed 1-3-74;8:45 am]

FREDERICK L. PETERSEN

Statement of Changes in Financial Interests

In accordanee with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 30, 1973.

Dated: November 30, 1973.

FREDERICK L. PETERSEN.

[FR Doc.74-21 Filed 1-3-74;8:45 am]

KEITH E. SPENCER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of November 30, 1973.

Dated: November 30, 1973.

KEITH E. SPENCER.

[FR Doc.74-22 Filed 1-3-74;8:45 am]

JOHN R. VOGEL, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of November 28, 1973.

Dated: November 28, 1973.

JOHN R. VOGEL, Jr.

[FR Doc.74-23 Filed 1-3-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

HOP MARKETING ADVISORY BOARD

Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463; 86 Stat. 770), notice is given of a meeting of the Hop Marketing Advisory Board at 8:30 a.m., P.d.t., January 22, 1974, at the Thunderbird Motel, Portland, Oregon.

The purpose of the meeting is to discuss reserve pool matters, marketing research and development projects, and marketing policy and related matters. The meeting will be open to the public.

The Hop Marketing Advisory Board is established under the marketing agreement, as amended, and Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674).

The names of board members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Robert H. Eaton, Manager, Hop Administrative Committee, Room 1002, Corbett Building, 430 SW. Morrison Street, Portland, Oregon 97204; telephone 503-224-1823.

Dated: December 28, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-338 Filed 1-3-74;8:45 am]

Forest Service

TONTO NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Tonto National Forest Multiple Use Advisory Committee will meet at 1:30 p.m. February 1, 1974, at Tonto National Forest Office, 102 South 28th Street, Phoenix, Arizona 85034.

The purpose of this meeting is to review and receive comments on the proposed Mogollon Rim Land Use Plan and discuss the Tonto National Forest Multiple Use Guide.

The meeting will be open to the public. Persons who wish to attend should notify Fred Wirth, Forest Supervisor, Tonto National Forest, 102 South 28th Street, Phoenix, Arizona 85034, Telephone No. 261-3205. Written statements may be filed with the committee before or after the meeting.

The committee has established no specific rules for public participation.

Dated: December 20, 1973.

FRED J. WIRTH,
Forest Supervisor.

[FR Doc.74-122 Filed 1-3-74;8:45 am]

Office of the Secretary

MEAT IMPORT LIMITATIONS

First Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the Act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the Act.

In accordance with the requirements of the Act, the following first quarterly estimates for 1974 are published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the Act, be imported during calendar year 1974 is 1,575.0 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the Act during the calendar year is 1,027.9 million pounds.

Since the estimated quantity of imports exceeds 110 percent of the estimated quantity prescribed by section 2(a) of the Act, under the Act limitations for the calendar year 1974 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed unless suspended by the President pursuant to Section 2(d) of Public Law 88-482.

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

WILLIAM ERWIN,
Acting Secretary.

[FR Doc.74-320 Filed 1-3-74;8:45 am]

Soil Conservation Service

BUFFALO RIVER WATERSHED PROJECT, VIRGINIA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Buffalo River Watershed Project, Amherst County, Virginia, USDA–SCS–ES–WS–(ADM)–73–27(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and municipal and industrial water supply. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by (1) two multiple-purpose structures for flood prevention and municipal and industrial water supply, and (2) two single-purpose floodwater retarding structures.

The final environmental statement was transmitted to CEQ on December 26, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 9026, Federal Building, 400 North Eighth Street, Richmond, Virginia 23240

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $8.85.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources.

Dated: December 26, 1973.

[FR Doc.74–225 Filed 1–3–74;8:45 am]

CRAWFORD CREEK SUBWATERSHED PROJECT, LITTLE SIOUX RIVER WATERSHED, IOWA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Crawford Creek Subwatershed Project, Little Sioux River Watershed, Ida County, Iowa, USDA–SCS–ES–WS–(ADM)–73–45(F).

The environmental statement concerns a plan for watershed protection, flood prevention and recreation. The planned works of improvement include fourteen grade stabilization structures and one multiple purpose structure for grade stabilization, floodwater retarding and recreation including recreational facilities.

The final environmental statement was transmitted to CEQ on December 21, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 823, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $3.35.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources Soil Conservation Service.

Dated: December 21, 1973.

[FR Doc.74–223 Filed 1–3–74;8:45 am]

DIVIDING CREEK WATERSHED PROJECT, MARYLAND

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Dividing Creek Watershed Project, Wicomico, Worcester, and Somerset Counties, Maryland, USDA–SCS–ES–WS–(ADM)–72–3(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment throughout the watershed, supplemented by 82.4 miles of multiple-purpose channel work for flood prevention and drainage.

The final environmental statement was transmitted to CEQ on December 26, 1973.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 577, 14th and Independence Avenue, S.W., Washington, D.C. 20250

Soil Conservation Service, USDA, Room 522, 4321 Hartwick Road, College Park, Maryland 20740

Copies are available for purchase from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please order by name and number of statement. The estimated cost is $7.25.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: December 26, 1973.

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources.

[FR Doc.74–224 Filed 1–3–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY COMMITTEES

Notice of Meetings; Corrections

In FEDERAL REGISTER Document 73–26336 appearing at page 34351 in the issue for Thursday, December 13, 1973, the committee meeting place for the Clinical Program-Projects Research Review Committee should be changed from "Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C." to "Shoreham Hotel, Calvert Street and Connecticut Avenue, NW., Washington, D.C."

In FEDERAL REGISTER Document 73–26336 appearing at page 34352 in the issue for Thursday, December 13, 1973, the committee meeting place for the Clinical Projects Research Review Committee should be changed from "Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C." to "Shoreham Hotel, Calvert Street and Connecticut Avenue, NW., Washington, D.C."

Dated: December 26, 1973.

KARST J. BESTEMAN,
Acting Interim Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74–257 Filed 1–3–74;8:45 am]

Food and Drug Administration

ALLERGENIC BIOLOGICAL PRODUCTS

Request for Data and Information; Safety, Effectiveness, and Labeling Review

The Food and Drug Administration is continuing its review of all licensed biological products to determine that they are safe, effective, and not misbranded under prescribed, recommended or suggested conditions of use. Allergenic products, both diagnostic and therapeutic, are the next products to be reviewed. This review will utilize an advisory panel composed of independent experts in allergy and immunology who will provide their conclusions and recommendations to the Commissioner of Food and Drugs. The panel is being selected from lists of nominees recommended by interested persons, including national medical and professional societies, and consumer groups. The panel will be composed of experts, among them practicing allergists, physicians, and scientists with training and experience in clinical and laboratory research in allergy.

The final order outlining procedures and explaining the purpose of this review was published in the FEDERAL REGISTER of February 13, 1973 (38 FR 4319). To facilitate this review and to provide all interested persons an opportunity to present, for the consideration of the reviewing panel, the best data and information available to support the stated claims for this category of biological products, submission of data, published and unpublished, and other information pertinent to the products listed is hereby solicited.

Accordingly, notice is hereby given that all data and information regarding the safety and effectiveness of allergenic products, the fourth category of licensed biological products to be reviewed, shall be submitted. Included within this category are all products classified as:

Allergenic Extracts—(except those allergenic extracts made from bacteria which were included in the category of bacterial vaccines and bacterial antigens with "No U.S. Standard of Potency.")
Allergenic Extracts—Alum Precipitated
Poison Ivy Extracts
Poison Ivy Extracts—Alum Precipitated
Poison Ivy—Oak—Sumac Extracts Combined
Poison Ivy—Poison Oak Extracts Combined
Poison Oak Extract
Poison Sumac Extract

The format of the submission shall be in accordance with § 601.25 (21 CFR 601.25) unless changed in this FEDERAL REGISTER notice requesting data and information. Unlike most other biological products, a license for "Allergenic Extracts" or for "Allergenic Extracts—Alum Precipitated" does not define a precise product. Under such a license a manufacturer may prepare several hundred different individual stock concentrates and then mix and/or dilute two or more of these concentrates, depending upon the prescription of a physician, for an individual patient. Further, because of the differences in the practice of allergy, a particular allergenic stock concentrate may be prepared by two or more different procedures by the same firm. For example, an allergen may be prepared in both a buffered saline diluent and in a glycerinated diluent. The Commissioner has therefore concluded that some changes and clarifications are necessary for some products in this category, especially the allergenic extracts prepared for use in filling a prescription for a particular patient, if the panel is to obtain the information required for this review.

Therefore, the submissions for allergenic products shall follow the prescribed format incorporating the following changes and clarifications as applicable:

1. For item I of the format, the submission of labeling and circulars which are not for a specific product shall indicate each and every product that would be accompanied by the subject text and shall indicate specifically how and when the label or circular would be used. A complete list of all marketed package sizes, kits and sets including those for patch, scratch or intradermal testing shall be included.

2. Item II is unchanged.

3. For item III, the manufacturers of the products shall provide, in addition to the complete quantitative composition, a description of the step-by-step manufacturing procedures including the mode of storage of the extracts at each stage of production and name and amount of all buffers, stabilizers and preservatives added to the products. The biologic source(s) of all raw materials shall be included along with (1) a description of how long and in what manner they are stored prior to extraction and (2) the means employed to maintain the qualitative and quantitative characteristics of similar materials purchased at different times. A list for every allergen prepared as a stock concentrate for subsequent incorporation into a prescription mixture shall be provided. In view of the large number of extracts and in the event that it may be decided to look at each class of allergenic extracts generically as well as individually, the list of allergens shall be divided into the following categories:

a. Pollens.
b. Epidermals (including feathers).
c. Foods.
d. Molds, yeast and fungi.
e. Insects.
f. Dusts.
g. Miscellaneous.

4. For items IV, V, and VI, particular attention shall be given to providing data which are applicable to, or in direct support of, the specific product as currently produced by its manufacturer. When published literature or other reference data is cited, it shall be made clear whether it refers to specific studies which apply to the company's product as described in the submission or whether it is a part of the general literature pertaining to allergenic products. Where it refers to the company's product, the qualitative and quantitative composition of the raw materials or the finished product currently used in production as compared to the raw materials or finished product referred to in other supporting data shall be specified. A concise summary of the data contained in the reference material and a precise statement as to how it supports the claims made for the product shall accompany the list of references. With respect to "individual active components" called for in items IV, V, and VI of the prescribed format, information for each stock concentrate prepared for incorporation into a prescription mixture shall be provided. The information for "combinations of the individual active components" shall be provided for each of the various stock concentrate combinations. The information requested for the "finished biological product" need not be submitted separately if it would be duplicative of the information provided in response to the "combinations of the individual active ingredients" statement.

5. In the matter of documented case reports for item V, "Human safety data" and item VI, "Efficacy data", numerous volumes of individual case reports are not necessary. Instead, a tabular summary of data available, including the salient features concerning the patients treated, their diagnosis, their treatment, the results obtained and the type(s) of reaction(s) observed, shall be provided for use by the panel. However, the raw data shall be available for inspection or duplication for submission, should the panel find this necessary at a later date.

6. Items VII and VIII are unchanged.

To assure a complete and fully informed review of this category, the panel may request additional data or information from producers of the licensed products under review.

In view of these changes in the prescribed format, additional time has been allotted for submissions for this category.

To be considered, 12 copies of the data and information presented in the prescribed format must be submitted on or before April 4, 1974, to:

Office of Efficacy Review
Bureau of Biologics HFB–5
Building 29, Room 124
8800 Rockville Pike
Bethesda, MD 20014

Any other data and information which is available and pertinent to this category of biological products is solicited from all interested persons.

Dated: December 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74–143 Filed 1–3–74;8:45 am]

[DESI 11159; Docket No. FDC–D–680; NDA No. 11–159]

BURROUGHS WELLCOME AND CO.

Ergotamine Tartrate With Cyclizine Hydrochloride and Caffeine; Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 11159) published in the FEDERAL REGISTER of July 27, 1972 (37 FR 15041), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for its labeled indications.

NDA 11–159; Migral Tablets containing ergotamine tartrate, cyclizine hydrochloride and caffeine; Burroughs Wellcome and Co., Inc., 3030 Cornwallis Road, Research Triangle Park, NC 27709.

In response to the notice, Burroughs Wellcome submitted eight (8) articles from the literature to support effectiveness of this combination drug. The articles were reviewed and found not to demonstrate efficacy of Migral as a fixed combination (cyclizine, ergotamine tartrate, caffeine) over ergotamine tartrate and caffeine for the following reasons:

a. One article contains preclinical data only.

b. Three articles concern the efficacy of antiemetic agents and while cyclizine is reportedly effective for motion sickness, there is no discussion of Migral or of migraine headaches. The question is not the efficacy of cyclizine in motion sickness, but its contribution to the fixed combination, Migral.

c. One article discusses headaches without discussing specific medication.

d. One article discusses the use of ergotamine tartrate, caffeine (and bellafoline) but contains no data.

e. Two articles report "studies" with Migral.

(1) One "study" of 100 patients discusses the results and details of only 5 cases, with non-blind uncontrolled administration of the drug.

(2) One "study" of 120 patients apparently was non-blind, and uncontrolled. The methodology was not discussed and the results were reported as excellent—84; good—24, poor—12.

Neither of the above studies directed themselves to the issue of investigation of the fixed combination vs. individual ingredients.

It is concluded that the combination is not in accord with the guidelines set forth in the statement of general policy and interpretation § 3.86 *Fixed Combination Prescription Drugs for Humans*. Accordingly the possibly effective indications for this combination drug have been reclassified as lacking substantial evidence of effectiveness.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 4, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 4, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 4, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

(Sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc. 74-145 Filed 1-3-74;8:45 am]

[FAP 4B2900]

DOW CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4B2900) has been filed by The Dow Chemical Co., 2030 Dow Center, Midland, MI 48640, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantane chloride as a preservative for latex pigment binders as components of paper and paperboard intended for use in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the Office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the Office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852 during working hours, Monday through Friday.

Dated: December 21, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-205 Filed 1-3-74;8:45 am]

[DEST 9366; No. FDC-D-556; NDA No. 11-932]

NIALAMIDE

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 9366) published in the FEDERAL REGISTER of May 15, 1970 (35 FR 7616), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective and lacking substantial evidence of effectiveness for the various labeled indications.

NDA 11-932; Niamid Tablets containing 25 milligrams or 100 milligrams nialamide per tablet; Pfizer Laboratories, Division of Pfizer, Inc., 235 East 42nd Street, New York, NY 10017.

The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice of May 15, 1970.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lanes, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 4, 1974, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before February 4, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 4, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

(Sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-144 Filed 1-3-74;8:45 am]

National Institute of Education

OFFICE OF RESEARCH GRANTS

Notice of Awards Competition and Prospectus Closing Date

Notice is hereby given that pursuant to the authority contained in section 405 of the General Education Provisions Act, the National Institute of Education will conduct a competition in support of research in education for fiscal year 1974 to be administered by its Office of Research Grants. The deadline for submission of prospectuses is 5 p.m. January 28, 1974.

In conjunction with proposed rules published in the FEDERAL REGISTER on November 30, 1973 (38 FR 33102) and subject to their final publication on or about January 4, 1974, NIE issues the announcement contained herein.

Further information and copies of the announcement, including the suggested formats indicated as appearing in Appendices A, B, and C as well as copies of the Registration Form and acknowledgment cards, are available from the Office of Public Information, National Institute of Education, Washington, D.C. 20208, telephone (202) 254-5800.

The announcement of this competition is based upon a resolution of the National Council on Educational Research adopted on December 3, 1973, and incorporates the five issues adopted in that resolution as priority areas which fundamental research of NIE should address. NIE encourages public response to this announcement as a means of helping shape and focus the conduct of future competitions.

(Catalogue of Federal Domestic Assistance Program No. — 13.575, Educational Research and Development.)

THOMAS K. GLENNAN, JR.,
Director, National Institute of Education.

SUMMARY

The NIE announces a program in support of research in education to be administered by its Office of Research Grants.

The deadline for receipt of prospectuses is January 28, 1974. For details see Application Procedures below.

NIE's Office of Research Grants has selected five issues which will be the focus of research it funds this fiscal year.

The competition will be conducted in two stages. In the first stage NIE will review short prospectuses submitted in response to this announcement. In the second stage of the competition NIE will invite formal proposals from those who submit the most promising prospectuses.

The three separate activities supported by NIE in the FY'73 Field Initiated Studies Program—General Research, Selected Disciplines and Small Grants—have been merged into this program for fiscal year 1974.

In the previous competition 206 awards were given in response to more than 4,000 applications. This year reduced funds will be available for this program.

INTRODUCTION TO THE PROGRAM

The National Institute of Education (NIE) came into being August 1, 1972 to support the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin,

or social class. While the Congress recognized that the direction of the education system remains primarily the responsibility of State and local governments, the Federal Government was seen as having a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the education process.

Four objectives, stated in the legislation creating NIE, directed the Institute to work to improve American education through:

Helping to solve or alleviate the problems and achieve the objectives, of American education;

Advancing the practice of education as an art, science, and profession;

Strengthening the scientific and technological foundations of education;

Building an effective educational research and development system.

The Office of Research Grants was created within NIE to respond to all four objectives. Primary emphasis was placed on the objective of strengthening the scientific and technological foundations of education.

Because the field of education is such a broad one, and funds for research are limited, the Office of Research Grants believes it can best pursue its primary objective by focusing research on selected issues based on identified needs of American education. To this end, the Office of Research Grants has identified five issues to which it invites interested investigators to address their research applications. The issues identified this year are not intended to include all areas of inquiry relevant to American education. Rather they have been selected to stimulate promising research from the field, and to complement current research concerns within NIE. This process of the identification of needs and stimulation of research on selected issues is part of a major, ongoing effort by the Office of Research Grants to develop a rational and manageable process for allocating resources to research which shows the greatest promise of solving the problems of American education. As the process continues, new issues will emerge and will become the focus of future competitions.

Eligibility Criteria

In addition to focusing on selected issues, the Office of Research Grants has identified eligibility criteria for the applications it will review this year. This information has been included in order to reduce the number of ineligible applications submitted to this program. Applicants should read this section carefully in order to ensure that their research meets the criteria listed below.

Eligible projects. Research projects responding to the selected issues identified below which may be carried out by persons in any discipline or field are eligible for consideration. Research is defined to include projects aimed at:

Increasing or synthesizing basic knowledge about processes and conditions relevant to human learning and education, or

Providing answers of sufficient generality to be widely applicable to important questions concerning actual or possible conduct of education in this country.

Ineligible projects. The following types of projects are not considered research projects and, therefore, are ineligible for support:

Operation of education programs—applications for funds to support the operation of programs which are ready to be, or are being, carried out in a variety of settings, including schools, post-secondary institutions, states etc., will not be considered.

Improvement of education programs—applications for funds for the implementation of new or improved procedures, techniques, materials or equipment in order to improve existing education programs will not be considered.

Course development—applications for funds for the production of new curricula or the improvement of existing ones, including the preparation of new instructional materials or the modification of those already in existence will not be considered.

Training—applications for funds to implement any type of training and teaching methods, techniques, and procedures, regardless of who the trainees or students would be, will not be considered.

Demonstration—applications for funds volving the development or adaptation in an operational setting of any new or improved procedures, techniques, materials, or equipment will not be considered.

Demonstration—applications for funds to show, exhibit, describe or explain to others, either in person or through various other communication media, the procedures, techniques and materials which must be employed in the execution of a new or modified instructional task or educational program will not be considered.

Dissemination—applications for funds to be used principally for the dissemination of any type of information, either in person or through other communication media, will not be considered.

Eligible applicants. Colleges, universities, state and local education agencies, and other public or private agencies, organizations, groups, or individuals are eligible for grants. Applications from for-profit organizations will be considered as unsolicited proposals and, if successful, will be awarded contracts rather than grants. Prospectuses from state and local governments should be submitted in accordance with OMB Circular A–102.

Applicant expertise. NIE is interested in applications from investigators of all levels of experience. However, applicants must realize that their experience and abilities, as addressed in the review criteria, must be commensurate with the expertise required to carry out the proposed research.

Selected Issues

As stated in the Introduction, the Office of Research Grants has selected five issues which will be the focus of the research it funds this year. The following issues have been selected:

1. Essential skills—research in learning and instruction on the essential skills involved in reading, writing, listening and speaking (linguistic communication) at levels needed to function adequately in American cultures. Special consideration will be given to research focusing on the needs of students from low-income and minority families. Emphasis will be placed on projects furthering systematic development and testing of theory. The full range of research methodologies is appropriate, from anthropological and ethological observation to closely controlled experiments, but the methodology chosen should be consistent with the emphasis on the development and testing of theory. The scope includes, but is not limited to, research on:

Understanding the nature and effects of non-school influences—such as social structure, family, community, culture, peers, availability or reading materials and the media—on motivation, competence, performance and attitude in linguistic communication.

Understanding the effects of variation in school environment and teaching methods—such as open or highly structured classrooms and programs, peer tutoring, cross-age grouping, teacher style, emphasis on writing, initial ignoring of immature spelling, use of relevant materials and activities, special emphasis on various aspects of the reading process—on motivation, performance, competence and attitude in linguistic communication.

Understanding the relationships among student characteristics—such as child's conception of reading, temperament, learning style, attention, analytic and problem solving abilities, non-standard dialect, neurological abnormalities—and motivation, performance, competence and attitude in linguistic communication.

2. Relevance of education to work—research on various educational factors influencing occupational attainment and socioeconomic success, and the measurement of these variables. Special consideration will be given to studies focusing on the needs of women, minorities, or mid-career adults. The scope includes, but is not limited to, research on:

The interactions between work, school and community activities—such as the relationship of cognitive and non-cognitive skills developed in work, school, and community activities to measures of adult life success; and comparisons of on-the-job-training to classroom preparation for occupational roles.

The integration of labor market analyses with educational problems—such as supply and demand for individuals with different educational attainments and types of skills; shortages and surpluses of personnel in occupations for which schools do, or could, prepare their students; and rate of return analyses with emphasis on syntheses of manpower projections.

The success of formal education in preparing individuals for adult responsibilities, especially economic responsibilities—such as the adequacy of present educational arrangements for job entry and progression; the effect that improved educational quality has on the later socioeconomic characteristics of individuals and attitudes toward work careers; and the perceptions of employers and employees of the adequacy of educational preparation.

3. Diversity, pluralism, and opportunity in educational systems—research on variability in educational organizations, programs, functions, and environments, and their consequences for student learning, development, motivation, behavior, and equal opportunity. Such research should be sensitive to (1) the capacity of organizations to respond to diversity and pluralism in characteristics, values, and cultural differences of clientele by providing them with beneficial structural and program alternatives, and (2) the several levels in which organizational variability and diversity may be manifested: system-wide, institutional or organizational, grade-level or departmental, classroom, and task or friendship group. The scope of inquiry includes, but is not limited to, studies of:

Analyses and comparison of strategies for the definition and provision of individualized curricula, instruction, evaluation and certification.

Racial, cultural, sex-role, or religious stereotyping or discrimination in institutions.

The problem of testing, evaluation, selection, and placement of persons of different cultures, including design and measurement techniques.

The physical, organizational, and social structuring of educational environments and activity patterns within organizational units.

Allocation of, access to, and utilization of materials, facilities, and other learning resources in educational settings.

The nature, structuring, and administration of formal and informal incentive, reward, and sanctioning systems.

The use and structuring of power, authority, and legal control in educational settings.

The nature, manifestations, and implications of institutional or classroom "value and expectation climates."

The patterns of emphasis among competing educational functions, including instruction, socialization, custody-control, certification, and selection.

The grouping and juxtaposition of students according to age, race, sex, ability, socioeconomic background, values and attitudes, or behavioral norms, and the influence mechanisms that account for apparent peer effects.

The rights and duties of participants in the education system with respect to compulsory attendance, accountability, and classification/labeling.

4. Production and utilization of knowledge—research on the production and utilization of knowledge for educational change by examining the production of research results; the systematic planning and development of alternative solutions to educational problems; the dissemination of R&D results; and the utilization, adaptation and implementation of scientific knowledge in education. The scope includes, but is not limited to, studies of:

Theoretical and empirical analyses of the education R&D system including institutional and organizational settings in which education R&D is, or might be, performed; personnel for education R&D; incentives and impediments to participation in education R&D; and factors influencing the quality of education R&D.

Improved means of maintaining and providing access to documentary knowledge about education, including the acquisition, processing, storing, retrieving and disseminating of documentary knowledge.

The spread of the results of R&D through the education system, including tracer studies of the spread and adoption of specific innovations, applications of market research techniques to educational change, and the effects of differing dissemination strategies.

Factors that affect decisions about the credibility and relevance of knowledge as system inputs, including (a) the role of training and experience in affecting knowledge seeking, recognition and utilization; (b) the role of incentive, authority, and decision-making structures in stimulating the use of information; (c) the situational and perceptual criteria that affect the evaluation of information relevance; and (d) how the structuring and availability of information gathering and processing roles affect the capacity of systems to respond to constituency inputs.

Innovation and problem-solving behavior in educational practice settings, including studies of incentives and predictors of educational change, organizational behavior in educational institutions, characteristics of innovation educators and institutions, and the implementation of innovations in educational institutions.

5. Efficiency and productivity in education—research on improved measurements of the different types of efficiency and productivity measures relevant to education, including examinations of their interrelationships, trends through time, policy changes influencing their course, and new developments affecting future trends. The scope includes, but is not limited to, studies of:

The cost-effectiveness of technology-based instruction (e.g. television and computers); and subject matter areas where various technologies are most or least effective.

Historical changes in education costs, educational attainment and measured learning; statistical explanations of these changes; and forecasts of future developments.

Economic efficiency concepts and measurements applied to questions in school finance, school management decisions, and public policy problems.

Institutional incentives for productivity and efficiency; and the efficiency and productivity of educational institutions as compared with other public and private services.

Application Procedures

Use of prospectuses. In order to ease the burden of work on both applicants and reviewers, NIE will conduct its Research Grants competition in two stages. In the first stage NIE will review short prospectuses submitted in response to this announcement. Applicants submitting the most promising prospectuses will then be invited to submit formal proposals for further review. NIE feels this procedure will minimize unnecessary expenditures of resources, and will also allow the most significant and cogent ideas to be developed and reviewed in detail.

Fairness to all applicants requires that the following conditions be closely observed:

Only prospectuses that contain all of the information discussed below will be considered in the first stage of the review process. Incomplete prospectuses and full proposals will be returned to the applicant, as well as prospectuses received after the deadline.

Only proposals invited by NIE on the basis of a review of a prospectus will be considered in the second stage of the review process.

No more than one prospectus per principal investigator will be accepted.

Detailed information on submission of formal proposals will be included with the letter of invitation.

Preparation of application package. All applicants must submit one application package containing 10 copies of a prospectus plus one copy each of the registration form, acknowledgement card, and checklist discussed below. Each prospectus must include the following:

1. A cover sheet in the format suggested in Appendix A.

2. A 3/5 page, double-speed, typewritten summary of the proposed research including:

a. *Identification of issue.* A brief statement identifying the issue addressed (see Selected Issues) and indicating the specific focus of the research within that issue.

b. *Description and rationale.* A description of the proopsed research, including the importance of the specific problem addressed from the standpoint of basic knowledge or the problems of American education, a discussion of what is already known in the area and the relationship between the proposed research and that body of knowledge, and a discussion of the likelihood of success of the project and the magnitude of the expected addition to knowledge.

c. *Procedures.* A brief description of the procedures to be followed in carrying out the research, including, where appropriate, such concerns as sampling, data acquisition, instrumentation and data analysis.

3. A description of the facilities available to the researcher for carrying out the proposed research.

4. Resume(s) of principal investigator(s) including education, applicable experience, and a list of major publications.

5. An estimated budget in the format suggested in Appendix B. The budget should include expenses for the entire duration of the project. The normal maximum duration of a project is 3 years. For projects exceeding one year, the initial award may provide funds for less than the full duration proposed. In this case further support will be contingent upon the availability of funds and the satisfactory progress of the research.

The information requested in sections 2 through 5 above should respond directly to Review Procedures and Criteria listed below.

Prospectuses should be stapled in the upper left-hand corner. Please do not use covers or binders, and do not include any extraneous material. In addition to the 10 copies of the prospectus requested above, each application package must contain one each of the following items:

Registration forms—registration forms are printed on the last two pages of the announcement. The form must be completed according to instructions printed on the back of each form. Reproduced copies of the form will be accepted, although applicants are asked to use one of the forms provided if possible.

Acknowledgement card—acknowledgement cards are printed on the back cover of the announcement. The applicant should self-address this card. In lieu of an acknowledgement card, applicants may submit a stamped, self-addressed envelope.

All prospectuses will be assigned an identification number. NIE will notify applicants of this number by returning the self-addressed acknowledgement card printed on the back of the announcement. This number should be referred to in all subsequent communications with NIE concerning the prospectus.

Checklist—The suggested format for the checklist appears in Appendix C. All items on this list must be completed.

Delivery of prospectuses. The deadline for receipt of application packages is 5 p.m. January 28, 1974.

Mail Delivery. Application packages should be addressed as follows:

Office of Research Grants
Proposal Clearinghouse
National Institute of Education
Washington, D.C. 20208
Issue No.———

Prospectuses received at NIE after 5 p.m. on January 28, 1974 will not be considered unless they were sent by certified mail for which an official Post Office stamp on the original receipt for certified mail has been obtained, indicating the prospectus was mailed before 5 p.m. January 28, 1974.

Hand Delivery. Application packages may be delivered directly to Room 202, 1832 M Street NW., Washington, D.C. They must be received in that room no later than 5 p.m. January 28, 1974. A receipt will be issued upon delivery of the application package.

Review Procedures and Criteria

Only prospectuses will be considered in this first stage of the competition. Prospectuses will be reviewed by NIE staff members assisted by additional experts in the areas of the proposed research. Those applicants whose prospectuses are found to be most promising will be invited to submit formal proposals.

Prospectuses will be reviewed according to the following criteria:

(1) Significance of the proposed research for American education, including

Importance of the problem area from the standpoint of basic knowledge or problems of American education;

Likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results.

(2) Quality of the proposed research project, including such considerations as

Extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed research to it;

Likelihood of success of the project;

Adequacy of design, methodology and instrumentation, where appropriate.

(3) Qualifications of the princpal investigator and other professional personnel as evidence by

Experience and previous research productivity; and

Quality of the discussion and analysis in the application.

(4) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study.

(5) Reasonableness of the budget for the work to be done and the anticipated results.

If funds are not sufficient to support all applications rated highly according to the above criteria, applications addressing the following two priorities may be given preference over other applications rated equally highly:

Making educational programs more effective in meeting the needs of persons from low income families and from minority communities.

Increasing the effectiveness of the use of educational resources so that individuals and society can better afford high quality education.

[FR Doc.74-294 Filed 1-3-74;8:45 am]

National Institutes of Health

NATIONAL ADVISORY COMMISSION ON MULTIPLE SCLEROSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Advisory Commission on Multiple Sclerosis on January 12, 1974, at the Holiday Inn of La Guardia, 100-15 Ditmars Blvd., E. Elmhurst, New York. This meeting will be open to the public from 10 a.m. to 4 p.m. and will continue the investigation into the most promising avenues for research leading to causes of and preventives and treatments for multiple sclerosis. Attendance by the public will be limited to space available.

1. The Institute Information Officer who will furnish summaries of the meeting and rosters of committee members is: Mrs. Ruth Dudley, Building 31, Room 8A03, phone: 496-5751.

2. The Executive Director from whom substantive program information may be obtained is: Dr. Harry M. Weaver, Room 8A11, Building 31A, NIH, phone: 496-3523.

Dated: December 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.74-207 Filed 1-3-74;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, January 29, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Chairman, President's Cancer Panel and a report from the Director, National Cancer Institute. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: December 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.74-208 Filed 1-3-74;8:45 am]

DIAGNOSTIC RADIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, January 11, 1974, National Institutes of Health, Landow Building, Conference Room C418. This meeting will be open to the public from 9 a.m. to 5 p.m., January 11, 1974 to discuss radiological methods in the diagnosis of cancer. Attendance by the public will be limited to space availabe.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, Building 31, Room 10A31, National Institutes of Health, Bethesda, Maryland 20014 (301-496-1911) will furnish summaries of the open meeting and roster of committee members.

Dr. Ihor Massyk, Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301-496-1591) will provide substantive program information.

Dated: December 26, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.74-209 Filed 1-3-74;8:45 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Notice of Meeting

Notice is hereby given, pursuant to P.L. 92-463, that the second meeting of the National Advisory Committee on the Handicapped will be held on January 17-18, 1974, at 9 a.m., local time, at the Cabana Motor Hotel, 870 Peachtree Street, NE., Atlanta, Georgia.

The National Advisory Committee on the Handicapped was established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee will be open to the public. The proposed agenda for January 17 and 18 includes a discussion of career training and opportunities for handicapped children, including problems in employment practices with respect to discrimination of employment of the handicapped. Records will be kept of all Committee proceedings and shall be available for public inspection at the Office of the Associate Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Dated: December 26, 1973.

JOHN OTTINA,
Commissioner of Education.

[FR Doc.74-349 Filed 1-3-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. NFD-142; FDAA-409-DR]

Federal Disaster Assistance Administration

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated December 10, 1973, and published December 17, 1973 (38 FR 34683), is hereby 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 December 10, 1973:

The Counties of:

Adair	Le Flore
Cherokee	Love
Garvin	Murray
Haskell	Pittsburg
Latimer	Seminole

Dated: December 21, 1973.

WILLIAM E. CROCKETT,
Acting Administrator Federal Disaster Assistance Administration.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.74-293 Filed 1-3-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA PET. Nos. 83, 84]

VOICE TRAIN CONTROL SYSTEM

Notice of Hearing

The Baltimore and Ohio Railroad Company (B&O) has petitioned the Federal Railroad Administration (FRA) to approve the general concept of Voice Train Control Systems (VCTS) and also to approve installation and operation of VCTS on a portion of its lines in central Ohio. These petitions have been docketed as FRA Pet. Nos. 83 and 84, respectively.

The proposed Voice Train Control System would be installed in lieu of existing train control systems and contemplates the control of train operations by direct voice control via continuously available radio communication between a train radio controller and each locomotive engineer. Train movement instructions will be continuously displayed on a console in the cab of the locomotive. These instructions will be transmitted by a con-

troller from a fail-safe console that is designed to logically monitor voice and data messages so transmitted.

B&O proposes to implement this Voice Train Control System in the following territory:

Between Willard and Newark, Ohio on the Lake Erie's subdivision; between Newark and Bellaire, Ohio on the Central Ohio Subdivision; between Zanesville and Belpre, Ohio on the O. & L. K. subdivision; and between Columbus and Midland City, Ohio on the Midland subdivision—all on the Ohio-Newark division; between Dayton and Musselman (near Chillicothe), Ohio on the Wellston subdivision of the Toledo/Indianapolis division; between Warwick and Holloway, Ohio on the C.L. & W. subdivision of the Akron-Chicago division; between Holloway, Ohio and Benwood Junction, West Virginia (including the Egypt Valley subdivision) of the C.L. & W. subdivision of the Monongah division. This territory consists of approximately 520 miles of train order and time table operation and about 4 miles of traffic control system operation.

The FRA Railroad Safety Board has decided that a public hearing be held before entering its decisions in these proceedings. Accordingly, a public hearing is hereby set for 10:00 a.m. on January 22, 1974, Room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Persons desiring additional information prior to the hearing concerning the proposed Voice Train Control System may examine the petitions at the locations specified below.

The hearing will be an informal one, and will be conducted in accordance with Rule 31 of the FRA rulemaking procedures (49 CFR 211.31), by a representative designated by the FRA. The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representative of the FRA will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

Interested persons may also participate in these proceedings by submitting written data, views or comments. Communications should identify the docket and notice numbers, and should be submitted to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received by January 26, 1974, will be considered before the FRA acts on these Petitions. Comments received after that date will be considered so far as practicable.

These Petitions and all comments received will be available for examination by interested persons. The dockets may be examined during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. In addition, the Petitions will also be available for inspection by interested persons from 9:00 a.m.–5:00 p.m., Monday–Friday at the following locations:

Office of Supt. Raymond Pomeroy
C&O Railroad Company
2600 Parsons Avenue
Columbus, Ohio 43207

Office of Robert O. Smith, Jr.
Applicant's General Attorney
2 North Charles Street
Baltimore, Maryland 21201

(Sec. 12, 24 Stat. 383, Sec. 441, 41 Stat. 498, sec. 6, 80 Stat. 939, 940; 49 U.S.C. 12, 26, 1655 and § 1.49(g) of the regulation of the Office of the Secretary of Transportation (49 CFR 1.49(g)))

Issued in Washington, D.C., December 28, 1973.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74–285 Filed 1–3–74;8:45 am]

[FRA E.O. No. 2, Amdt. 2]

UTLX TANK CARS

Conditional Approval of Use

On December 20, 1972, the Federal Railroad Administration (FRA) issued an emergency order under the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) which prohibited the further use by any railroad of certain tank cars numbered as follows: UTLX 83095–83184; UTLX 83267–83339; and UTLX 83341–83449 (37 FR 28311). Based on FRA investigations, these cars were found to have a structural inadequacy which results in cracks in the tank shell and the possible leakage of a dangerous material. The unsafe condition constituted an emergency situation involving a hazard of death or injury to persons which warranted the issuance of the emergency order. On February 9, 1973, FRA amended this order to allow movement of these cars in an empty condition to locations where they could be repaired and tested (Amdt. 1; 38 FR 4529).

The Union Tank Car Co. has developed a modification to correct the structural inadequacy which led to issuance of Emergency Order No. 2. This modification consists of the application of a large steel pad over the problem area, newly designed stub-center sills, and "normalization" of the pad and sill metal to increase low temperature strength and toughness. It also devised and conducted a test program to determine whether the modified tank cars would retain their structural integrity in the railroad service environment. A modified car was instrumented with strain gages placed in high stress areas identified by a brittle lacquer test and then squeeze tested at 1,000,000 pounds, impact tested at 1,500,000 pounds, and road tested for 1,300 miles. Although a fatigue analysis conducted by Union Tank Car Co. found that the modified car should have a service life of about 4 years, FRA notes that some of the strain gages near the stub-center sill registered readings sufficiently high to indicate that the performance of the modified cars should be monitored to assure early detection of any further difficulties.

Accordingly, after carefully reviewing the test data and the fatigue analysis, I have determined that Emergency Order No. 2 should be amended as set forth below.

Effective 12:01 a.m., Emergency Order No. 2 is hereby amended to permit use of the cars listed in the original order which have been modified and repaired in accordance with Association of American Railroads (AAR) Application No. C–737019, including revisions A–E, approved by the AAR Tank Car Committee on November 7, 1973, subject, however, to the following conditions:

(1) Before being returned to rail service, each car must be—

(a) Inspected to assure that the modification has been made in accordance with the approved AAR application; and

(b) Stenciled "Modified-FRA E.O. 2" above each DOT specification number in letters at least 2 inches high;

(2) The modified area of each car must be inspected by radiograph for cracks at least once between the initial 20,000 and 25,000 miles travelled by the car after it has been returned to rail service;

(3) The modified area of 28 of these cars with car numbers ending in "0" or "5" must also be inspected by radiograph for cracks at least once between the initial 40,000 and 50,000 miles and again between the initial 65,000 and 75,000 miles, travelled by each car after it has been returned to rail service;

(4) The modified area of at least 5 of the 28 cars inspected under condition 3 must be inspected by radiograph for cracks at least once between the initial 90,000 and 100,000 miles travelled by each car after it has been returned to rail service;

(5) FRA must be furnished a written report of the findings of each inspection made under conditions 1(a), 2, 3 and 4, not later than 30 days after the date of each inspection;

(6) FRA must be immediately notified in writing if any car subject to Emergency Order No. 2 shows any sign of cracking or evidence of excessive strain whether detected in inspections made under conditions 1(a), 2, 3 and 4, or otherwise.

Except as provided herein, Emergency Order No. 2, as amended, remains in effect in all other respects. The penalty provisions included as part of the original order apply with equal force to this amendment.

(Sec. 203, 84 Stat. 972, 45 U.S.C. 432; and § 1.49(n) regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n)).

Issued in Washington, D.C. on December 27, 1973.

JOHN W. INGRAM,
Administrator.

[FR Doc.74–284 Filed 1–3–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50-470]

COMBUSTION ENGINEERING, INC.

Notice of Receipt of Standard Safety Analysis Report

Combustion Engineering, Inc., (CE), in response to a policy statement of the Atomic Energy Commission (the Commission) entitled "Methods for Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a five-volume document entitled "Combustion Engineering Standard Safety Analysis Report for System 80" (CESSAR), which was docketed December 19, 1973. CESSAR was was tendered on September 17, 1973. Following a preliminary review for completeness, it was rejected on October 25, 1973, for lack of information. Combustion Engineering submitted additional information on December 7, 1973, and CESSAR was found acceptable for docketing. Docket No. STN 50-470 has been assigned to CESSAR and should be referenced in any correspondence relating thereto.

CESSAR has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. CESSAR describes and analyzes a standard pressurized water nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at 3800 megawatts thermal.

When the review of CESSAR is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of its review. In addition, CESSAR will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. A notice of availability of the Safety Evaluation Report and the ACRS report will be published in the FEDERAL REGISTER.

In accordance with the Commission's policy statement on standardization, the CESSAR design can be referenced as a standardized design in applications for specific facilities when the Regulatory staff's review of CESSAR is substantially complete, when the staff has determined that all site and facility interfaces have been identified, and when the standardized design envelope has been defined. However, such applicants for specific reactors must supply the information required by § 50.34 of 10 CFR Part 50, which should be supplemented by the guidance described in the Commission's "Standard Format and Content of Safety Analysis Report for Nuclear Power Plants."

A copy of CESSAR is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Maryland, this 26th day of December 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 1-3 Directorate of Licensing.

[FR Doc.74-288 Filed 1-3-74;8:45 am]

[Docket No. 70-1257]

EXXON NUCLEAR CO.

Notice of Availability of AEC Draft Environmental Statement for the Mixed Oxide Fuel Plant

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the Mixed Oxide Fuel Plant currently operating under an interim license by Exxon Nuclear Co. in Richland, Washington, 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 Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352. The Draft Statement is also being made available at the State Clearinghouse, Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and at the Regional Clearinghouse, Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

The Applicant's Environmental Report, as supplemented, submitted by Exxon Nuclear Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on June 9, 1972 (37 FR 11596).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by March 4, 1974. Comments by Federal, State, and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Richland Public Library, Richland, Washington. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 27th day of December, 1973.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief, Technical Support Branch, Directorate of Licensing.

[FR Doc.74-290 Filed 1-3-74;8:45 am]

GENERAL ELECTRIC CO.

Notice of Filing and Denial of Petition for Rulemaking

Notice is hereby given that the General Electric Co., by letter dated July 23, 1973, has filed with the Atomic Energy Commission a petition for rulemaking to amend the Commission's regulation, "Standards for Protection Against Radiation," 10 CFR Part 20.

The petitioner requests that the Commission amend § 20.407, "Personnel exposure and monitoring reports," to make it clear that the Commission intends only doses in excess of 25 percent of the applicable quarterly limits set forth in § 20.101(a) were to be reported in the annual report required pursuant to § 20.407. The petitioner also requests the same clarification with respect to § 20.408, "Reports of personnel exposure on termination of employment or work assignment," regarding reports on exposures of employees terminating employment with a licensee or completing a work assignment in a licensee's facility.

On June 28, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 17020) a proposed amendment to § 20.407 that would delete the present requirements for annual reporting by certain licensee of external radiation exposure to identified individuals whose total annual exposures exceed applicable quarterly limits, and would require, instead, that these licensees submit an annual statistical summary report on all of the whole body exposures for individuals for whom monitoring was required during the preceding year, i.e., the number of individuals whose estimated annual whole body exposure is in each of several specified exposure ranges. The notice indicated that information to be obtained pursuant to this amendment would assist in the evaluation of the risk from radiation exposure in the nuclear industry by permitting a meaningful comparison of current exposure experience among the types of licensees required to report, and among licensees within each type. The information would also assist in the identification of situations to be studied further in order

that guidance can be developed on action that should be taken to keep in-plant radiation exposure as low as practicable.

Concurrently with publication of this notice of filing and denial of the General Electric petition, the Commission is publishing a notice of rulemaking to make effective, with some minor modifications, the amendment to 10 CFR Part 20 published June 28, 1973. The modifications are described in the notice of rulemaking.

In consideration of the foregoing, the Commission has determined that it would be inappropriate and not in the public interest to institute a rulemaking proceeding for the adoption of the rule changes requested by the petitioner. The requested changes would have the effect of limiting the exposure information to be obtained from licensees at a time when the Commission considers it desirable to obtain additional exposure information.

Accordingly, the petition for rulemaking filed by the General Electric Company is denied.

A copy of the petition for rulemaking and of the Commission's letter of denial are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 26th day of December 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-291 Filed 1-3-74;8:45 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING AND POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report

Houston Lighting and Power Company (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on December 7, 1973 for authorization to construct and operate two single cycle boiling water nuclear reactors. The application was tendered on August 24, 1973. Following a preliminary review for completeness, it was rejected on September 25, 1973 for lack of sufficient information. The applicant submitted additional information on November 13, 1973 and the application was found to be acceptable for docketing. Docket Nos. 50-466 and 50-467 have been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Allens Creek Nuclear Generating Station, Units 1 & 2 are to be located in southern Austin County, Texas, west of the Brazos River, and about 45 miles west of the center of Houston and are designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1200 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 27, 1974. The request should be filed in connection with Docket Nos. 50-466-A and 50-467-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Sealy Public Library, 415 Main Street, Sealy, Texas 77474.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated August 24, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711 and at the Houston-Galveston Area Council, 3311 Richmond Avenue, Houston, Texas 77006.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of December 1973.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Boiling Water Reactors Branch, 1, Directorate of Licensing.

[FR Doc.73-27098 Filed 12-27-73;8:45 am]

[Dockets Nos. 50-416 and 50-417]

MISSISSIPPI POWER & LIGHT CO.

Grand Gulf Nuclear Station

Please take notice that effective December 5, 1973, the new location for the local public document room for the Grand Gulf Nuclear Station is the Chancery Clerk's Office, Claiborne County Courthouse, Port Gibson, Mississippi 39150. Documents concerning Mississippi Power & Light Company's application for construction permits for the Grand Gulf Nuclear Station, Units 1 & 2 are available for inspection by the public from 9 a.m. to 5 p.m. Monday through Friday.

Dated at Bethesda, Maryland this 27th day of December 1973.

For the Atomic Energy Commission.

WALTER A. PAULSON,
Acting Chief, Light Water Reactors Projects Br. 1-2, Directorate of Licensing.

[FR Doc.74-289 Filed 1-3-74; 8:45 am]

[Docket No. 50-460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application; Availability of Applicant's Environmental Report; Time for Submission of Views

Washington Public Power Supply System (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for completeness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50-460 has been assigned to the application and it should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50-460-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50,

an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors Branch 2-3, Directorate of Licensing.

[FR Doc.73-27005 Filed 12-20-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26253]

EMERGENCY RESERVATIONS PRACTICES INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on January 31, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to Order 73-21-93, dated December 21, 1973, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 26, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.74-185 Filed 1-3-74;8:45 am]

[Dockets 25513, 25661 Agreement C.A.B. 24116 R-1 through R-8]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Fares and North/Central Pacific Proportional Fares

DECEMBER 26, 1973.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of December 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the International Air Transport Association (IATA). The agreement, assigned the above C.A.B. agreement number, was adopted by mail vote for January 1, 1974, effectiveness pursuant to meetings of the North Atlantic Policy Group held December 5 and 6, 1973, in London and of other IATA members held December 4 and 5, 1973, at New York.

The agreement is an outgrowth of the Board's Orders 73-11-131 and 73-11-132 which disposed of an earlier IATA agreement on North Atlantic fares for effect January 1, 1974. The Board therein disapproved a proposed increase in normal economy fares and continuance of youth fares, and withheld action on increased 22/45-day excursion fares proposed pending further consideration by the carriers. The remainder of the fare package was approved.

In essence, the Board concluded that the carriers' economic position fully supported an increase in revenue, but that this goal must be achieved in a manner which would begin to move the fare structure toward a more economic foundation for the longer term. Specifically, continuing increases in normal fares were seen as a fall-out caused by decisions made in regard to other elements of the fare structure rather than a rational, cost-based decision; and youth fares were found to be incompatible with the Board's statutory obligation to insure the development of a sound and nondiscriminatory fare structure. As for the 22/45-day excursion fare, the Board concluded that the amount of the increase agreed to would not provide the degree of improvement necessary for an economic scheduled service in 1974, and that it made little sense to continue to offer such deeply discounted fares at a time which augurs significant curtailment of capacity.[1] The Board was of the opinion that it was both appropriate and necessary to afford the carriers a further opportunity to deal with the matter within IATA, and urged that a meeting be reconvened promptly. Pending the outcome of further deliberations in light of the Board's action, the Board deferred disposition of a request of the Aviation Consumer Action Project (ACAP) that an overall investigation of the North Atlantic fare structure be instituted.

The agreement here before us is consistent with the improvements which the Board considers the minimum necessary for the year immediately ahead. Normal economy fares are to be retained at *status quo*, and youth fares are no longer to be a part of the fare structure. The 22/45-day excursion fares are to be increased somewhat beyond the level earlier proposed; by $5, $7, and $9 in the winter, shoulder, and peak periods, respectively.

In addition, although previously approved by the Board, affinity-group fares are to be further increased by $7 and $9 during the shoulder and peak periods, respectively; and the 14-day incentive group fares by an additional $7 in the shoulder period.[2] Finally, the agreement adjusts certain of the proportional fares used in construction of North Atlantic and North/Central Pacific fares from interior U.S. points to reflect the 5 percent general increase in domestic fares recently permitted to become effective by the Board.[3]

By Order 73-12-44, December 11, 1973, the Board established dates for the receipt of carrier justifications and comments from other interested parties. Comments and justification have been received and evaluated and the matter now stands ready for decision.

All three U.S. North Atlantic carriers,[4] request approval of the agreement as comporting with the Board's views set forth in Orders 73-11-131 and 73-11-132. National contends that all discrimination and unreasonably low fare levels have been deleted from the overall fare package. Pan American and TWA both indicate that, as compared with an extension of *status quo* fares, the package will result in significant improvement in both yield and revenue, despite an anticipated decline in traffic due mainly to elimination of youth fares. Assuming present fares, Pan American forecasts total revenue passenger miles of 8.0 billion producing revenues of $412.4 million, and an average yield of 5.17 cents per revenue passenger mile. Under the proposed agreement, revenue passenger miles are projected to decline by 3.8 percent, to 7.7 billion. However, revenues are expected to increase by about 3.3 percent to $426.1 million, with yield increasing by 7.4 percent. TWA estimates that its passenger revenues will increase by 3 percent, despite an anticipated decline in traffic of 4 percent.

No comments in opposition to the agreement have been submitted.

[1] The remaining fares (14/21-day excursion, 14/21-day group inclusive tour, 7/8-day winter group inclusive tour, and affinity/incentive group fares) were approved on the basis that they involved a reduction in the degree of discount from the normal economy fare, and that the restrictions attached to their use effectively limited the portion of the market to which they would be available. By contrast, the 22/45-day excursion fare is now carrying about 25 percent of total traffic.

[2] In addition, stopover privileges in connection with affinity/incentive group-fare travel to Portugal/Spain would be limited to a total of two as of April 1, 1974.

[3] Order 73-11-93.

[4] National Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.

After full and careful review of the agreement and the carriers' submissions in support thereof, the Board concludes that approval is warranted in the overall public interest. In our opinion, the agreement represents a material first step toward setting in motion a series of alterations in the North Atlantic fare structure which can and should culminate in a cost-oriented pattern of fares for the longer term which all profess to seek. Retention of normal economy class at present levels reverses the repeated reliance in recent years on an increase in these fares to recoup, in part at least, losses incurred in the carriage of passengers traveling on marginal promotional fares. By the same token, the increases proposed in the lower level excursion and group fares are of sufficient magnitude to provide a material improvement relative to the cost of providing these services.

The net result is a desirable compression in the array of fares available; discounts from the normal economy fare will range from 18 to 50 percent, as compared with a range of 24 to 55 percent under the present structure. With incorporation of the fuel surcharge, this spread will be further compressed to between 17 and 48 percent.[5] Stated differently, and including the increase associated with escalating fuel costs, normal economy fares are to be increased by an approximate 4 percent, while 14/21-day excursion fares are to be increased by 13 percent and the 22/45-day excursion fares by an average of 15 percent. The lowest fare in the structure, that for affinity/incentive group travel, is to be increased by 19 percent. Finally, it is worth noting that the rules governing use of the 22/45-day fare have been tightened to prevent dilution of revenue which has resulted in the past from misuse of that fare.[6]

In summary, the revised structure should not only move the various categories of fares toward more cost-oriented levels, it should also result in a redistribution of their use by travelers which more closely reflects the value of the respective services. Moreover, the structure can be expected to produce much needed additional revenue for the carriers, despite the probable loss of a moderate amount of traffic compared with retention of present fares. The financial reports of the U.S. flag carriers' transatlantic services for the 12 months ended September 1973, show Pan American in a loss position, TWA earning profits far below the Board's 12 percent standard for return on investment, and National earning a 19 percent return on investment. The carriers' aggregate return is well below the Board's earnings standard. The additional revenues produced by the instant agreement should improve the carriers' earnings from transatlantic services but will not produce excessive profits.[7] The Board concludes that the modified agreement should be approved.[8]

We turn now to the question of whether institution of a formal investigation as requested by ACAP would be appropriate at this time. As we recognized in our earlier order, achievement of a broad revision in the North Atlantic fare structure is an evolving process. We also explicitly refrained from detailing minimum requisites for the upcoming year with respect to the 22/45-day excursion fare, in the interest of assisting in a prompt resolution of the matter and acknowledging that other fares already agreed to and approved by the Board create constraints on feasible alternatives. The IATA carriers have reached what we conclude to be an acceptable fare package for the next ten months. They are also scheduled to meet January 8 and 9, 1974, to begin evaluation of the results of the joint research program which has been in progress this past year, as a prelude to early negotiation of a revised fare structure for effect from November 1, 1974. In light of these circumstances, and our continuing belief that IATA is the appropriate forum for developing the network of international fares, we are of the opinion that embarking upon a broad scale investigation at this time would serve no beneficial purpose. Accordingly, the request therefore will be denied.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, makes the following findings:

1. It is not found that the following resolutions set forth in the agreement as indicated are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24116:			
R-2	064c	North Atlantic Economy—Class Fares (Amending)	1/2 (N. Atl.).
R-3	071q	North Atlantic 22/45-Day Excursion Fares (Amending)	1/2 (N. Atl.).
R-8	015b	North and Central Pacific Proportional Fares-North America (Amending).	3/1 (N. & C. Pacific).

2. It is not found that the following resolutions set forth in the agreement as indicated are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24116:			
R-1	015	North Atlantic Proportional Fares—North American (Amending).	½ (N. Atl.).
R-4	076e	North Atlantic Affinity—Group Fares (Amending)	½ (N. Atl.).
R-5	076m	North Atlantic Bulk Affinity and Incentive—Group Prices—Portugal/Spain (Amending).	½ (N. Atl.).
R-6	076p	North Atlantic 14-Day Incentive—Group Fares (Amending)	½ (N. Atl.).
R-7	015	North Atlantic Proportional Fares—North American (Amending).	½ (N. Atl.).

Accordingly, it is ordered, that:

1. Those portions of Agreement C.A.B. 24116 set forth in finding paragraph 1 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 24116 set forth in paragraph 2 above be and hereby are approved subject to conditions previously imposed by the Board;

3. The request of ACAP for an investigation of transatlantic fares is dismissed;

4. Tariffs implementing the subject agreement shall be marked to expire not later than October 31, 1974; and

5. The carriers are hereby authorized to file tariffs implementing the approved agreement on not less than one day's notice for effectiveness not earlier than January 1, 1974. The authority granted in this paragraph expires with January 31, 1974.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[9]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-186 Filed 1-3-74;8:45 am]

[5] Order 73-12-77 of December 19, 1973 approved, *inter alia*, a fuel surcharge on North Atlantic passenger fares equivalent to four percent of the one-way shoulder season economy fare between New York and European points, with the resulting dollar amount applied to all fares in the structure regardless of season.

[6] As revised, the minimum chargeable fare for open-jaw travel will be the normal one-way economy-class fare on the longer of the outbound or inbound legs of the journey. At present, an individual seeking one-way travel from New York to Athens in the peak season, for example, would ordinarily be required to purchase a one-way normal economy ticket at a price of $468. However, a significant savings can be realized if an open-jaw 22/45-day excursion fare ticket were purchased at one-half the New York-Athens excursion fare, with the return at one-half the Shannon-New York excursion fare. The sum of such a ticket would be $380.50, or a saving of $82.50.

[7] *See* App. B. The fare increases resulting from the fuel surcharges approved by Order 73-12-77, are expected only to offset recently experienced increases in fuel costs not reflected in the carriers' financial reports through September 1973. These increases are not expected to increase carrier earnings.

[8] We will also approve increased proportional fares for use in conjunction with travel over the North/Central Pacific and North Atlantic. Generally, these increases reflect the recent increase in domestic fares. For fares from interior gateway cities across the North Atlantic, the proportionals are generally established at the same levels previously approved by the Board in Order 73-11-182. In no event does the resulting through fare exceed the combination of local fares.

[9] Appendices I and II filed as part of the original document.

[Docket 25280, etc.; Order No. 73-12-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of December 1973.

By procedural Order 73-10-88 of October 24, 1973 the Board set dates for the receipt of justification, comments and replies pertaining to Agreements C.A.B. 23892 (U.S.-Europe/Middle East) and C.A.B. 23889 (U.S.-Africa)[1] which together comprise the proposed North Atlantic cargo rate structure adopted by the carrier members of the International Air Transport Association (IATA). The agreements were adopted by the recessed Mexico City North Atlantic Cargo Traffic Conference, held in July 1973 at Geneva. U.S.-Europe/Middle East rates are intended for effectiveness from January 1, 1974 through December 31, 1974 while U.S.-Africa rates would be effective through September 30, 1975. The required documentation has been received and evaluated, and the matter now stands ready for the Board's decision.

Order 73-10-88 described the principal elements of the agreements, which generally involve across-the-board six cents per kg. increases in general cargo rates, specific commodity rates and container rates.[2] The U.S.-Europe agreement also includes high weightbreak rates for shipments of at least 30,000 kgs. of a single commodity, as well as minimum charter rates expressed as minimum dollar charges per aircraft mile. Minimums vary depending on aircraft type.

Also included are revised proportional rates for U.S. interior gateways used to construct through U.S.-Europe rates by combination with the specified rates over New York.[3] At present there are no proportionals for construction of through specific commodity rates, and proportionals for general cargo rates and container rate constructions are listed only for Boston, Philadelphia, Baltimore and Washington. Proportional rates are now proposed for the gateway cities named in Docket 20522, as well as for Columbus, Dayton and Indianapolis.[4] By Order 73-9-109 (September 28, 1973) the Board rejected tariff revisions filed by the IATA member carriers to implement these proportionals in respect to present New York-Europe rates, and stated that the rates incorporated in the agreement and the tariff filings could not meet the requirements of the Board's decision in Docket 20522. The Board also noted an alternative methodology for tariff filing which would present clear, explicit rates fully in conformance with the Board's mandate, and directed the carriers to amend their tariffs to conform with the Board's requirements on or before November 15, 1973, on not less than 30 days' notice.[5]

There is presently in effect a six percent surcharge on all charges for U.S.-originating shipments, as well as surcharges of varying amounts on westbound shipments originating in various countries in Europe/Africa/Middle East.[6] The surcharge on U.S.-originating shipments is intended to compensate for the adverse revenue effects of the February 12, 1973 dollar devaluation on carriers operating between the United States and Traffic Conference 2, and is now proposed to be continued for the life of the respective agreements. The new agreement, however, would apply the surcharge from the point of origin in the United States, rather than from New York only as at present.

CARRIER JUSTIFICATIONS

Pan American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA) have submitted statements of justification and supporting data for the agreements to which they are parties.

The carriers variously assert that the proposed rate increases are necessary to improve their unsatisfactory earnings positions in North Atlantic cargo operations, and offer forecasts comparing revenue under present vs. proposed rates. Continuation of the six percent currency surcharge, it is alleged, is necessary to maintain marginal profitability and to offset the continuing expenses associated with devaluation. The carriers also contend that the revisions to the North Atlantic rate structure substantially fulfill the Board's views as expressed in its policy statement issued prior to the start of the Mexico City Cargo Conference.[7]

In this connection TWA notes that the under-45 kg. and 45 kg. weightbreak general cargo rates will remain at *status quo* and points out that the flat six cent per kg. increase on the remaining weightbreaks is substantially lower in percentage terms than the corresponding six/four cent increases[8] in specific commodity rates. Specific commodity rates at the 45 kg. weightbreak have been eliminated, and it is alleged that these changes will greatly lessen the attractiveness of specific commodity rates. TWA contends additionally that the revised rating system for containerized shipments will reduce the effective rate on high density (over 12 lbs. per cu. ft.) traffic by as much as six percent and should further reduce the use of specific commodity rates.

In support of the new high weightbreak (30,000 kg.) rates and the minimum charter rates, TWA states that although it does not share the view that reduced rates for high-volume shipments in scheduled service can be justified on a cost-savings basis, these rates were included in the IATA package due to the competitive pressure of existing high weightbreak rates.[9] The adoption of minimum charter rates was directly related to the agreement on high weightbreak rates based on a differential of 4-5 cents per kg. TWA states that the charter rates' effective discount from the 30,000 kg. scheduled rates will vary from less than one percent to over 30 percent at the full weight-lifting capacity of the aircraft. The carrier provides examples of comparative charges in B-707 or DC-8-55 aircraft, and asserts that a charterer would have to achieve a 9.8 lb. per cu. ft. density in order to maintain the 4-5 cent per kg. differential vis-a-vis the 30,000 kg. rate. Finally, TWA contends that these relationships are reasonable in view of the fact that charter services are contracted for on the basis of the entire capacity of the aircraft whereas load-factor penalties are incurred in scheduled service.[10]

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[1] Includes all countries on the continent of Africa except Morocco, Algeria, Tunisia, Egypt and Sudan.

[2] General cargo rates would remain at *status quo* at the under-45 kg. weightbreaks, and specific commodity rates from Europe to the United States would be increased by only four cents per kg. in the westbound direction. The 45 kg. weightbreak for most U.S.-Europe specific commodity rates would be eliminated in both directions. For containerized shipments, a second pivot weight, roughly corresponding to a density of 12.1 lbs. per cu. ft., would be added above which the rate per kg. would be reduced ten cents below present over-pivot rates.

[3] By Order 73-2-24 (February 6, 1973) as amended by Order 73-7-9 (July 5, 1973), the Board concluded its investigation in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*, and found that "The lawful local and joint North Atlantic general commodity, specific commodity and container rates for service between the cities of Boston, Philadelphia, Baltimore, Washington, Cleveland, Detroit, and Chicago, [the named gateway cities], on the one hand, and points in Europe, on the other hand, are the New York-European point rates per mile multiplied by the distance in miles between such cities and the points in Europe . . . ."

[4] In addition, Hartford would be commonrated with New York with respect to general cargo and specific commodity rates.

[5] By Order 73-11-63 (November 14, 1973) the Board approved the filings of Pan American and TWA and dismissed complaints of various parties against the filings. By Order 73-12-41, December 10, 1973, the Board permitted referral of these filings' implementation until January 1, 1974.

[6] For example, the surcharge on shipments originating in the United Kingdom and Ireland is ten percent.

[7] The Board, *inter alia*, saw no basic need for substantive changes in the general cargo rate structure, and encouraged the carriers to reduce reliance on specific commodity rates by increasing them, and eliminating unproductive rates as well as the 45 kg. weightbreak. The Board also supported introduction of high weightbreak rates, loose and containerized, for both general and specific commodity traffic. Finally, the carriers were expected to bring the overall rate structure into conformance with the Board's decision in Docket 20522.

[8] TWA states that the lower increase on westbound rates was necessary to reduce the differential arising from the February 12 dollar devaluation.

[9] These rates were originally introduced by Seaboard World Airlines in January 1973 for U.S.-Germany traffic. The Board has several times dismissed complaints against the rates filed by Seaboard and other carriers to/from various European points. See Order 73-1-89 (January 31, 1973); Order 73-3-77 (March 21, 1973); and Order 73-5-136 (May 30, 1973).

[10] TWA states that its weight load factor the first eight months of 1973 was 61 percent.

TWA estimates the agreements would result in a 7.7 percent increase in revenue for calendar 1974 with present traffic distribution. However, it is alleged that redistribution of traffic due to structural revisions in the rates will reduce this revenue improvement to 3.7 percent.[11] In all-cargo service, the carrier forecasts a $161,000 operating loss under present rates, with a 1.2 percent return on investment due to income tax credits. Under the new rates TWA predicts a $559,000 operating profit and a 3.7 percent return on investment. (See the Attachment.[12])

Pan American follows the same line of reasoning as TWA in justifying the restructuring of the relationship between general cargo, specific commodity, and container rates, and also discusses the proposed minimum charges in more detail. Maintenance of the present $3.00 differential in minimum charges for U.S. points other than New York, Boston, Hartford, and San Juan was included in Resolution 501 (Minimum Charges for Cargo) at the insistence of numerous IATA members but Resolution 501 was not listed in Resolution 001c (Cargo Tie-In Resolution); *i.e.*, the Board could disapprove the resolution without causing the entire agreement to fall. Pan American further states that their tariff filed for November 15 effectiveness (pursuant to Order 73–9–109) has a minimum charge of $28 ($27 without the currency surcharge) for all U.S. points. In effect, this raises the gateway minimum charges to the old interior point level.

In support of the minimum charter rates and 30,000 kg. scheduled service rates, Pan American notes that the Board has made clear its support of the existing high weightbreak rates established outside the IATA framework, and alleges that the IATA agreement now seeks to raise these rates to a level which will be as economic as possible under the circumstances.[13] Due to the high weightbreak, these rates could be increased only with a corresponding increase in charter rates, and accordingly the agreement includes minimum charter rates to prevent undue diversion away from scheduled service.

Pan American forecasts a $5.03 million (5.7 percent) improvement in overall transatlantic freight revenue under the new rates.[14] Continuation of the six percent currency surcharge is expected to add another $300,000. In addition, implementation of the minimum charter rates is anticipated to have a revenue impact of $161,000. In all-cargo operations, these changes are expected to produce a $332,000 operating loss in calendar 1974, with a return on investment of 1.6 percent. Under present rates, Pan American's forecast shows a $2.6 million operating loss and a —1.6 percent return. (See the Attachment 12).

In conclusion, Pan American contends that the U.S.-Europe/Middle East agreement is compatible with the Board's decisions in Docket 20522. Although the agreement contains proportional rate tables in the same format as Pan American's August 10 tariff filing rejected by the Board in Order 73–9–109, the carrier still urges the Board to approve the agreement.[15] Such approval could be conditioned on the filing of tariffs in a format which complies with Order 73–9–109. Pan American asserts that in essence, approval would not change the rate levels in the agreement but would only mandate the lawful manner of stating the rates; and that there is not enough time for a mail vote to amend the agreement. Finally, in support of disparities between rates at gateway as opposed to non-gateway cities, Pan American cites arguments on transfer and handling costs as well as severe pro-rate problems.

In support of this major rate agreement for the North Atlantic, National Airlines, Inc. (National) has submitted only a brief letter endorsing the Pan American and TWA justifications. National states that it did not attend the Recessed July Conference in Geneva, but concurs in and fully supports the agreement reached there. The carrier alleges that although the agreement does not fully meet some of the objectives sought by the Board, it nevertheless provides a more stable platform from which to achieve the necessary adjustments and to bring the North Atlantic cargo rates structure in line with Board thinking.

Objections

Objections to the agreements have been filed by the Attorney General of Virginia on behalf of the Commonwealth of Virginia and other Virginia Parties; the Metropolitan Washington Board of Trade; the Baltimore Parties in Docket 20522; and Seaboard World Airlines, Inc. (Seaboard).

The civic parties generally assert that the agreements prefer New York and prejudice the other named gateway cities in Docket 20522, and that the continued use of arbitraries does not comply with the Board's decisions in that proceeding. It is alleged, *inter alia*, that continuation of the $3.00 minimum charge differential is patently discriminatory and completely unsupported by any cost justification; that New York is the only U.S. city with published rates to all European points and consequently is preferred since there is a greater burden on shippers at other points to compute the rates from the tariffs; that there is no provision for the combination of U.S. domestic rates with international rates to/from gateways other than New York; and that the extensive common-rating of European points, as well as the system of European arbitraries is prejudicial to the complainants' interests inasmuch as the result is higher rates for shorter mileages, especially between disparate markets, and violates the Board's own mileage formula. Finally, the complainants variously object to the existing procedure of rounding up all fractions to the next higher cent, and contend that U.S.-Africa cargo rates must be treated in the same manner as rates to the rest of TC2 in order to eliminate practices already found illegal as to Europe.

In its comments submitted November 8, Seaboard stated that it had not yet completed its review of the carrier justifications filed in support of the agreement, but summarized some general objections which are expounded at full length in Seaboard's reply to the carrier justifications submitted on November 27.

Replies

Replies to the carrier justifications have been received from the Memphis Parties to Docket 20522 (Memphis), and from Seaboard World Airlines.

Memphis lists objections to the proposed minimum charges similar to those advanced by the other civic parties and described above, and requests the Board to require the carriers to apply the same level of minimum charges at all U.S. points. The complainant also contends that the agreement's treatment of Memphis and other non-gateway interior points is a form of discrimination prohibited by section 404 of the Act, and raises the spectre of massive diversion from Memphis to other cities with more favorable international rate structures, such as Indianapolis, Dayton and Columbus. Memphis maintains that Pan American has not substantiated its claim that the rate differentials vis-a-vis gateway cities are justified by a prorate formula which favors domestic carriers, and alleges that it is incumbent upon the carriers to achieve a more equitable prorate balance rather than prejudice the users of air service at interior points. The complainant also contrasts the European common-rating system, which allegedly minimizes preference and prejudice at European points, with a structure for U.S. interior points which discriminates against the vast majority of U.S. points and shippers. Finally, Memphis claims that Board approval of the subject agreement will effectively preclude any progress in alleviating these discrepancies, and urges the Board to initiate an investigation to examine the lawful division of joint rates and charges in transatlantic cargo markets for interior non-gateway points.

Seaboard, in its reply to the carrier justifications, enumerates several detailed objections to the agreement. The main thrust of the Seaboard's protests is that the proposed container rates discriminate against the B–747 freighter; the relations of the minimum charter

[11] TWA estimates that 50 percent of under-45 kg. and 45 kg. specific commodity rate (SCR) traffic will divert to general cargo rates (GCR); 10 percent of all SCR traffic over 100 kgs. will divert to conainers, while another 10 percent will divert to the 30,000 kg. rates; and 10 percent of 500 kg. GCR traffic will shift into containers.

[12] Attachment filed as part of the original document.

[13] Pan American provides a table which demonstrates increases over the present high weightbreak rates ranging from 5.9 to 16.7 percent.

[14] $4.86 million, U.S.-Europe/Middle East (6.0 percent); $0.17 million, U.S.-Africa (2.1 percent).

[15] Separate proportional rates for the seven named gateway cities, as well as Dayton, Columbus and Indianapolis, are listed for each rate category (general, specific commodity, and container rates).

and high weightbreak rates would effectively preclude use of the latter; and the proposed structure of specific commodity rates is patently uneconomic. Seaboard states that it will introduce a new B–747 freighter into service in August 1974, and alleges that the IATA-agreed container rates discriminate against this aircraft by charging over 2 cents more per kg. for 10- and 20-foot B–747F containers than for smaller containers designed for B–707 and DC–8 freighters. The carrier states further that although it could be argued that the B–747F should actually be advantaged by lower rates based on its lower unit operating costs, Seaboard would be content with rate equality, and sets forth a scheme by which container rates could be revised to accomplish this objective.

Although Seaboard supports the establishment of minimum charter rates, it objects strenuously to their proposed levels in relation to the proposed high weightbreak specific commodity rates which would, allegedly, be virtually useless if the agreement is approved. In Seaboard's view, high weightbreak scheduled service rates and charter rates should be priced exactly the same per kg. because the service provided the shipper is exactly the same in each case. The IATA minimum charter rates are theoretically based on a differential of 5 cents per kg. below the high weightbreak rates, but Seaboard contends that the undercut is actually much greater (up to 13.67 cents per kg.) when the actual weight-lifting capacity of B–707 and DC–8 aircraft is considered. The 5 cent/kg. differential holds only at a charter capacity of 66,138 lbs. (30,000 kgs.), and Seaboard states that both Pan American and TWA regularly report to the Board that the capacity of their B–707 freighters is 75,000 lbs. Additionally, Seaboard cites data on cargo charters reported to the Board by Pan American and TWA for the first and second quarters of 1973, which show average charter loads ranging from 74,000 to 79,260 lbs.[16] It is contended that minimum charter rates properly reflecting these capacities would be $5.00, $6.00 and $12.00 per mile, respectively, for B–707/DC–8–55, DC–8–63 and B–747F aircraft. In sum, Seaboard charges that "having failed to convince the Board to disallow high weightbreak rates, the IATA carriers decided to kill them off themselves by adopting the rates and then pricing them into oblivion."

Seaboard also complains against the absence of incentives for containerization in the IATA charter and high weightbreak rates, even though such incentives exist at the smaller shipment end of the IATA rate scale where the need is less.[17] Seaboard takes the position that containerization entails substantial cost savings which support rate reductions for unitized freight, and cites two cost study summaries in this connection.[18]

Finally, Seaboard charges that the entire IATA specific commodity rate structure is unduly discriminatory, unreasonably uneconomic, and should be eliminated. No one, Seaboard alleges, can justify rates which bear absolutely no relation to the transportation costs involved, or the arbitrary selection of certain items to receive discounts ranging from 20 to 80 percent of the applicable general cargo rate. Furthermore, most of the corates eliminated by the subject agreement are not used anyway, and the numerous exceptions to the general increase in corates effectively cancel out much of the overall increase in revenue. Seaboard believes the Board should establish a floor for specific commodity rates, preferably at 18 cents per ton mile but in no event below the carriers' experienced operating costs of 12.5 cents per available ton mile. In addition, Seaboard urges elimination of all specific commodity weightbreaks below 300 kgs., and a 6-month limit on all commodity rates as well as submission of traffic data on each rate to enable the Board to assess the development potential of each rate.

FINDINGS

Upon careful consideration of the agreements, the carrier justifications, the comments and replies, and all other relevant matters, the Board has concluded to disapprove all the governing U.S.-Europe/Middle East rate resolutions. In the first place, rates for U.S. interior gateways do not comply with the Board's findings and orders in Docket 20522. We will also disapprove the six percent currency surcharge on U.S.-originating shipments insofar as it would apply from points other than New York. Even were the interior gateway issues not a consideration, however, we could still not accept the IATA rate structure proposed for U.S.-Europe/Middle East scheduled service. On the other hand, we will herein approve the proposed U.S.-Africa rates and the U.S.-Europe minimum cargo charter rates.

We cannot accept Pan American's contention, expressed in its statement of justification, that a conditioned approval of the interior gateway rates would not change the actual rate levels, but would only mandate the lawful manner of stating the rates. Order 73–9–109 clearly outlined the unacceptability of the proportional rates encompassed by the agreement, and complaints have now been dismissed against subsequently filed tariffs prepared in a manner acceptable to the Board and consistent with our decisions in Docket 20522. See Order 73–11–63 (November 14, 1973) and Order 73–12–41 (December 10, 1973). Insofar as the currency surcharge is concerned, the Board noted in procedural Order 73–10–88 that the proposal, as now constituted, would impose an increase in any U.S. domestic rate used in combination with the specified New York-TC2 rate. We would not be disposed to disapprove application of the surcharge from the seven named gateways were the rates for those cities brought into conformance with the Board's orders in Docket 20522, but as long as the rates for those cities remain unacceptable to the Board, the surcharge must likewise be disapproved.

We are persuaded by the arguments of the civic parties that no justifiable basis exists for a differential in U.S.-Europe/Middle East minimum charges at New York and Boston vis-a-vis the rest of the United States. No adequate justification has been provided, and Pan American, TWA and National have already revised their tariffs to eliminate the discrepancy by raising gateway charges from $25 to the old interior point level of $28. We will disapprove the proposed minimum charges insofar as they would apply to U.S.-Europe/Middle East traffic, but we do not consider the new common $28 tariff level to be unreasonable in light of the agreement's original proposal of $27 and $30. However, we will approve U.S.-Africa minimum charges which maintain the $3.00 differential in minimum charges at New York/Boston vis-a-vis other points. The only direct service between the United States and Africa is via New York, so a higher charge to cover indirect routings from other U.S. points cannot be considered unreasonable.

The carriers' forecasts clearly indicate a need for revenue improvement. Although both Pan American and TWA forecast some improvement under the proposed rates, inadequate returns in all-cargo operations are still predicted: Pan American, 1.6 percent return on investment; and TWA, 3.7 percent. As outlined in the attachment, we have adjusted TWA's forecast to exclude the effects of TWA's rather drastic traffic redistribution, so that TWA's adjusted forecast shows a 6.5 percent return on investment.

Although the Board recognizes the carriers' needs for increased revenue in the present circumstances and that the subject agreements would offer some minor increase, in general they would only perpetuate an uneconomic rate structure which is contrary to the interests of the carriers and public alike. The Board has long encouraged the carriers to reduce reliance on low specific commodity rates by increasing them substantially and eliminating unproductive rates. Except for the elimination of the 45 kg. weightbreaks for most specific commodity rates, it appears that the pattern of the proposed increases in general and specific commodity rates would leave the relationship between the two rate categories virtually unchanged. Our review of the proposed eastbound commodity rates in-

[16] Seaboard also cites TWA's yield per revenue ton-mile for B–707 charters under the proposed charter rates, included in the TWA justification, and points out that this shows TWA calculated its yield on the basis of a 76,190 lb. capacity.

[17] At the other end of the scale Seaboard notes that its existing high weightbreak tariffs, which the Board has supported, include a container discount of from 5 to 7 cents per kg.

[18] Ralph M. Parsons' "All Cargo Terminal Handling Costs" study, June 1973, submitted in Docket 22859, *Domestic Air Freight Rate Investigation*; and Seaboard's own "System Development Study," November 1973, for international freight. Seaboard believes both charter and high weightbreak rates should incorporate a 7 cents/kg. containerization discount.

dicates that the discounts from the corresponding general cargo rates will decrease by less than two percent, hardly the substantial improvement claimed by the carriers. In the westbound direction the situation will even be worsened: present westbound commodity rates generally embody greater discounts from the general cargo rates than do eastbound rates, and are now proposed to be increased by lesser amounts.[19]

General cargo rates are already carrying a disproportionate share of the carriers' revenue burden, and the material submitted in support of the agreement leads us to believe this will be even more the case under the proposed rates. For example, data included in Pan American's justification shows general cargo rates presently (year ended June 30, 1973) carrying 28.8 percent of the traffic and providing 36 percent of the revenue; under the proposed rates the carrier predicts that the general rates will still carry the same share of traffic, but will now provide 38.9 percent of revenue. In these circumstances, the proposed increases in general cargo rates can only be regarded as unwarranted and they will be disapproved.

At one time the general/specific commodity rate relationships may have been justified by the developmental character of the specific commodity rates, but this argument no longer obtains when the commodity rates are carrying over 66 percent of present traffic.[20] The present burdening of general commodity rates is exacerbated by applying the same amount increase as would be applied to specific commodity rates thus, with no meaningful change in the number of corates, resulting in a worsened share of traffic/share of revenue disparity. It is clear that major cutbacks in the number of corates and their degree of discount are required before increases in general commodity rates can be considered.

The Board is particularly disturbed by the fact that the agreement would increase westbound commodity rates by only four cents per kg. as opposed to the six cent increase on eastbound rates, and would thereby create a system of directional rates for which absolutely no justification has been provided. Apparently the lower increase on westbound rates was a compromise in lieu of a containerization discount on all commodity rates which was sought by some IATA members. However, the net effect will be to discourage containerization. Thus, although many carriers, as well as the Board, have long supported containerization as offering significant cost savings; we now have before us a commodity rate structure which is detrimental to the carriers' own interests not only because of the rates' uneconomic levels *per se*, but also because of the resulting disincentive to containerization. There are still many commodity rates available, especially in the westbound direction, at the same or lower levels as the corresponding container rates set forth under resolution 534a ("Bulk Unitization Charges"). The specific commodity rates seriously undermine the IATA container program, and have the effect of precluding carriers and shippers from realizing the full economic benefits of containerization.

We also see considerable merit in Seaboard's objections to the proposed charges for 10- and 20-foot B–747F "bungalow" containers, which the IATA carriers have limited to U.S.-Germany traffic.[21] The Board believes rates for these containers should be equalized with the rest of the container rate structure, and should be made available to other European points.[22] We recognize the argument that incorporation of rates for these devices within the IATA structure is unnecessary since no IATA carrier plans to operate the B–747F in markets other than U.S.-Germany for the life of the agreement. However, the Board notes that U.S.-Germany rates for the 20 foot "bungalow" have been included in the effective IATA rate structure since March of 1972 even though no carrier has ever used the device, so this should present no great obstacle.

Only 5.8 percent of Pan American and TWA's transatlantic traffic is now moving in containers. The IATA structure of container rates offers virtually no meaningful incentive to unitization, particularly where specific commodity rates continue to be available at uneconomically low levels. This inadequacy would now be compounded by discrimination against large containers for wide-bodied aircraft, where cost savings should be even greater. The proposed container rates will, therefore, be disapproved.

The Board also believes the relationship between the proposed minimum charter rates and high weightbreak (30,000 kg.) specific commodity rates is unnatural, and cannot be accepted. The two rates will be competing for the same type of large volume traffic, and it is unrealistic for the New York-London shipper, for example, to be subject to a minimum charge of $15,300 for 30,000 kgs. at the 51 cents/kgs. high weightbreak rate, while for only $13,824 (3456 miles @ $4.00/mile) he could charter a B–707 or DC8–55 aircraft to carry the same 30,000 kgs. or even loads in excess of 34,020 kgs. (75,000 lbs.). As TWA states in its justification, charter services are contracted for on the basis of the entire capacity of the aircraft. It is clear that the charter rates fail to take into account the actual capacity of charter aircraft,[23] and thus the high weightbreak rates start out with a rate disadvantage of about 10 percent at the respective minimums, and become less and less attractive as the weight carried increases. For example, Pan American and TWA's average cargo charter load for the latest 12-month period reported in Form 41 data (12 months ending September 30, 1973) was approximately 71,473 lbs. or 32,420 kgs. At the basic New York-London charter rate of $13,824 this would be about 42.6 cents/kg. The corresponding 51 cents/kg. scheduled service rate would produce a charge of $16,534.20, which is over 19.6 percent above the charter rate.

Reference may also be made to present U.S.-Europe high weightbreak traffic reported to the Board by Seaboard. The average weight of these shipments in Seaboard's DC–8–63 aircraft, for the seven reported months February–August 1973, was 35,619 kgs. or 78,526 lbs. At the 56 cents/kg. New York-Frankfurt rate the charge for this average load would be $19,947, but under the IATA charter rates the shipper could charter the same DC–8–63 for $19,255 (3,851 miles @ $5.00/mile). Moreover, there is no doubt that this load could be carried in a standard B–707 or DC–8 freighter for $15,404 or $16,405.26.[24] Not only does the charter offer a much lower rate; it is not limited to single-commodity shipments as is the 30,000 kg. rate. For this reason the Board cannot accept the 30,000 kg.-weightbreak rates as proposed.

We will, however, approve the minimum charter rates inasmuch as they represent a decided improvement over existing transatlantic cargo charter rates. For instance, Pan American's existing U.S.-Europe standard cargo charter rate is $4.10 per mile, while TWA's is generally $3.90 midweek and $3.60 weekend. The IATA agreement would now impose minimums (including the six percent currency surcharge for U.S. originations) of $4.24 and $4.52, respectively, for 13- and 14-pallet B–707 or DC–8–55 aircraft. There has long been doubt

[19] Eastbound specific commodity rates presently reflect discounts from the corresponding general cargo rates ranging from 1 to 75.8 percent, while westbound commodity rates embody discounts ranging from 1 to 71.5 percent. Under the subject agreement, these discounts would range from 1 to 74.3 percent, and 3.3 to 74.8 percent, respectively, for eastbound and westbound rates. In addition to disapproving Resolution 590 in Agreement C.A.B. 23892, R–11, which would establish U.S.-Europe/Middle East specific commodity rates, we will also disapprove Agreements C.A.B. 24005, R–1 and R–2, and C.A.B. 24100, which involve the revalidation beyond December 31, 1973, of certain specific commodity rates omitted from the overall table of commodity rates submitted in Agreement C.A.B. 23892.

[20] 66.7 percent weighted average, Pan American and TWA U.S.-Europe/Middle East traffic for 12 months ended June 30, 1973 and reported to the Board in Form 41 data. The situation is the reverse in U.S.-Africa service, where Pan American indicates general cargo rates carry 64.2 percent of the traffic, and commodity rates carry only 34.5 percent. This seems to be a more reasonable balance, reflecting the true developmental character of U.S.-Africa specific commodity rates.

[21] For example, New York-Frankfurt rates for the B–747F containers average about 73 cents per kg. at the pivot weight, whereas other container rates average about 70 cents.

[22] We find it incongruous that the two pivot weights proposed for the B–747F containers reflect densities of about 9.6 and 11.1 pounds per cu. ft., whereas the pivot weights for other containers are based on densities of 10.5 and 12.1 pounds per cu. ft.

[23] The charter rates are based on a 30,000 kg. (66,138 lbs.) load: New York-London basic rate of

$$\frac{\$13{,}824}{46¢/\text{kg.}} = 30{,}052 \text{ kgs.}$$

[24] $15,404 = 3,851 miles @ $4.00/mile (13 pallets): $16,405.26 = 3,851 miles @ $4.26 mile (14 pallets).

as to the economic viability of the existing pattern of North Atlantic cargo charter rates and it appears that the proposed minimums will be of great benefit in beginning a resolution of the problems.[25]

In summary, the Board is unable to accept the IATA North Atlantic rate structure as presented. In the first instance, the rates for gateways other than New York do not comply with the Board's decision in Docket 20522. The carriers have made virtually no improvement in the relationship of general and specific commodity rates, and continue to discourage containerization by omitting the necessary rate incentives. Although the new minimum charter rates represent an improvement over the current charter regime in transatlantic cargo carriage, and will, therefore, be approved, their relationship to the proposed high weight-break specific commodity rates would make the latter virtually useless.

Neither the carriers nor the shipping public is served by the perpetuation of an irrational, unremunerative rate structure. We encourage the carriers to return to the IATA negotiating table as soon as possible to review the matter in this context, with the expectation that a resulting agreement will better serve the carriers' own interests and the public interest, than does the agreement which now stands disapproved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is found that the following resolutions, incorporated in the agreements indicated; are adverse to the public interest and in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23889:			
R-5	022j	JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Revalidating and Amending) Insofar as it would apply to rates from U.S. points other than New York.	½ (N. Atlantic-Africa).
23892:			
R-4	022j	JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Revalidating and Amending). Insofar as it would apply to rates from U.S. points other than New York.	½ (N. Atlantic-except Africa).
R-7	501	Minimum Charges for Cargo-North Atlantic (Revalidating and Amending).	½ (N. Atlantic-except Africa).
R-9	534a	North Atlantic Bulk Unitization Charges (Revalidating and Amending).	½ (N. Atlantic-except Africa).
R-10	554a	North Atlantic General Cargo Rates	½ (N. Atlantic-except Africa).
R-11	590	Specific Commodity Rates Board (Revalidating and Amending).	½ (N. Atlantic-except Africa).
24005:			
R-1	590	JT Specific Commodity Rates Board-Revalidation of rates for Item 7107 under Status Report No. 449.	½
R-2	590	JT Specific Commodity Rates Board-Revalidation of rates for Item 7119 under Status Report No. 449.	½
24100	590	JT Specific Commodity Rates Board, Expedited 16th Meeting-Revalidation of rates for Items 7107 and 7119.	½.

2. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
23889:			
R-1	001c	Cargo Tie-In Resolution	½ (N. Atlantic-Africa).
R-2	001j	Two Year Effectiveness Escape-Cargo (New)	½ (N. Atlantic-Africa).
R-3	001tt	Special Escape Resolution-Cargo (New)	½ (N. Atlantic-Africa).
R-4	002	Standard Revalidation Resolution	½ (N. Atlantic-Africa).
R-5	022j	JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Revalidating and Amending) Insofar as it applies to rates from New York only.	½ (N. Atlantic-Africa).
R-6	115m	Meeting Non-IATA Competition—North Atlantic (Revalidating and Amending).	½ (N. Atlantic-Africa).
R-7	501	Minimum Charges for Cargo-North Atlantic (Revalidating and Amending).	½ (N. Atlantic-Africa).
R-8	521	Use of Unit Load Devices (Revalidating and Amending)	½ (N. Atlantic-Africa).
R-9	554a	North Atlantic General Cargo Rates	½ (N. Atlantic-Africa).
R-10	590	Specific Commodity Rates Board (Revalidating and Amending).	½ (N. Atlantic-Africa).
23892:			
R-1	001c	Cargo Tie-In Resolution	½ (N. Atlantic except Africa).
R-2	001xx	Special Escape Resolution-Cargo.	½ (N. Atlantic except Africa).
R-3	002	Standard Revalidation Resolution	½ (N. Atlantic except Africa).
R-4	022j	JT12 (North Atlantic) Rules for Sales of Cargo Air Transportation (Revalidating and Amending). Insofar as it applies to rates from New York only.	½ (N. Atlantic except Africa).
R-5	045e	Minimum Rates for Cargo Charters (New)	½ (N. Atlantic except Africa).
R-6	115m	Meeting Non-IATA Competition-North Atlantic (Revalidating and Amending).	½ (N. Atlantic except Africa).
R-8	521	Use of Unit Load Devices (Revalidating and Amending)	½ (N. Atlantic except Africa).

Accordingly, it is ordered, that:

1. Those portions of Agreements C.A.B. 23889, C.A.B. 23892, C.A.B. 24005, and C.A.B. 24100 set forth in finding paragraph 1 above, be and hereby are disapproved;

2. Those portions of Agreements C.A.B. 23889, and C.A.B. 23892 set forth in finding paragraph 2 above, be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

3. Tariffs implementing those portions of Agreement C.A.B. 23889 set forth in finding paragraph 2 above shall be marked to expire not later than September 30, 1975;

4. Tariffs implementing those portions of Agreement C.A.B. 23892 set forth in finding paragraph 2 above shall be marked to expire not later than December 31, 1974; and

5. The complaints of Seaboard World Airlines, Inc., in Docket 24433 and 24459, be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-187 Filed 1-3-74;8:45 am]

[25] Seaboard has a long-outstanding complaint against North Atlantic charter rates, originally filed April 26, 1972 in Docket 24433. We believe the issues involved have been substantially resolved by the adoption of minimum charter rates, and the complaint will herein be dismissed.

[Docket 25513; Order 73-12-99]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of December 1973.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement proposes technical and procedural adjustments to routings and notes pertinent to TC1 first-class, economy-class, excursion and group-excursion fares and deletes a $351 excursion fare presently offered to Belem from Bogota. The technical adjustments seek to make the fares more saleable and attractive. Additionally, 3/5-day GIT fares from San Juan to points in Colombia are increased by $20 thereby bringing these fares more into line on a per-mile basis with a comparable and approved fare offered from San Juan to Caracas.

We will approve those portions of the agreement which have direct or indirect application in air transportation and will disclaim jurisdiction with respect to those portions of the agreement dealing with fares not combinable with fares in air transportation. The revised San Juan-Colombia fares appear reasonable in terms of comparable fares in the area.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act makes the following findings:

1. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act;

Agreement C.A.B. 24087	IATA No.	Title	Application
R-1	070 I	TCI Excursion Fares (amending).	1

2. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement C.A.B. 24087	IATA No.	Title	Application
R-5	084 mm	TCI Group Inclusive Tour Fares, San Juan-Colombia (amending).	1

3. It is not found that the following resolution, incorporated in the agreement as indicated and indirectly applicable in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement C.A.B. 24087	IATA No.	Title	Application
R-3	051/061	TCI First-Class Fares/TCI Economy-Class Fares (amending).	1

4. It is not found that the following resolutions set forth in the agreement as indicated, affect air transportation within the meaning of the Act:

Agreement C.A.B. 24087	IATA No.	Title	Application
R-2	070 II	TCI Excursion Fares (amending).	1
R-4	070 III/075]	TCI Excursion Fares/South American 21-Day Group-Excursion Fares (amending).	1

Accordingly, It is ordered, That:

1. That portion of Agreement C.A.B. 24087 set forth in paragraph 1 above be and hereby is approved;

2. That portion of Agreement C.A.B. 24087 set forth in paragraph 2 above be and hereby is approved subject to conditions previously imposed by the Board;

3. That portion of Agreement C.A.B. 24087 set forth in paragraph 3 above be and hereby is approved; and

4. Jurisdiction is disclaimed on those portions of Agreement C.A.B. 24087 set forth in paragraph 4 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-327 Filed 1-3-74;8:45 am]

[Docket 23080-1; Order 73-12-70]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 1

Order Fixing Mail Rates

DECEMBER 19, 1973.

All interested persons were directed to show cause by Order 73-12-11, dated December 4, 1973, why the Board should not establish the service mail rates proposed therein.

The time designated for filing notice of objection has elapsed and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a decision by the Board fixing the service mail rates.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations promulgated in 14 CFR Part 302, and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g);

It is ordered, That:

1. The fair and reasonable rates to be paid for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith,

(a) To Air East, Inc., Air Indies Corporation, Air Midwest, Air North, Inc., Air South, Inc., Air Wisconsin, Inc., Apache Airlines, Inc., Commuter Airlines, Inc., Crown Airways, Inc., Executive Airlines, Inc., Fischer Bros. Aviation, Inc., Florida Air Taxi, Georgia Air, Inc., Henson Aviation, Inc., Hub Airlines, Inc., Imperial Airways, Inc., Mississippi Valley Airways, Inc., Northern Airlines, Inc., Pacific Southwest Airlines, Inc., Pocono Air Lines, Inc., Puerto Rico International Airlines, Inc., Shawnee Airlines, Inc., Southeast Airlines, Inc., Trans Central Airlines, Travel-Air Aviation, Inc., and Vercoa Air Service, Inc., over their routes specified in Orders 70-4-98, 70-8-43, 70-9-161, 70-10-111, 70-5-16, 69-7-73, 69-8-121, 70-5-73, 69-12-18, 70-2-117, 70-10-25, 70-6-107, 70-1-21, 69-3-72, 69-7-72, 69-10-42, 70-1-31, 70-4-145, 69-7-3, E-26998, 69-8-96, E-26189, 69-6-16, 70-7-43, 70-3-146, 70-7-45, 70-11-1, 69-6-131, 70-4-143, 69-11-26, 68-9-21, 70-10-2, 69-6-41, E-26701, 69-6-139, 69-9-121, and 68-10-11, and subject to the conditions in those orders, from December 12, 1970, through March 27, 1973, and

(b) To Air Indies Corporation, Air Wisconsin, Inc., Apache Airlines, Inc., Cascade Airways, Inc., Executive Airlines, Inc., Hub Airlines, Inc., Pilgrim Aviation and Airlines, Inc., and Wright Air Lines, Inc., over their routes specified in Orders 71-3-65, 71-8-25, 71-3-35, 71-7-180, 71-2-66, 71-2-73, 71-4-105, and 71-6-14, from the dates and subject to the conditions specified in those orders through March 27, 1973,

are the rates established by Orders E-25610 and 70-4-9 as amended by Order 73-11-91, dated November 20, 1973.

2. The final service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

3. The investigation in Docket 23080-1 is terminated.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-188 Filed 1-3-74;8:45 am]

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notice of Meeting

The Citizens' Advisory Committee on Environmental Quality will meet on January 11, 1974, at 9:30 a.m. in Room 500, 1700 Pennsylvania Avenue, NW., Washington, D.C.

The Committee advises the President and the Council on Environmental Quality on matters pertaining to environmental quality. The purpose of the meeting is to review pending Committee business and to consider Committee activities for the coming year. Subjects discussed will include legislation, Committee publications, land use, energy, and other current environmental issues.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Tuesday, January 8, 1974, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, NW., Washington, D.C. 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-234 Filed 1-3-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

MARYLAND STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland State Advisory Committee will convene at 8 p.m. on January 10, 1974, in Room G-20, 6401 Security Boulevard, Baltimore, Maryland 21235.

Persons wishing to attend this meeting should contact the Committee Chairman or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 40225.

The purpose of this meeting shall be to review the activities of the Maryland State Advisory Committee and its Subcommittee and discuss future activities to be undertaken by these Committees.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 26, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-250 Filed 1-3-74;8:45 am]

MASSACHUSETTS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Massachusetts State Advisory Committee will convene at 12 Noon on January 8, 1974, in Room 150, Parker House, 60 School Street, Boston, Massachusetts 02108.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for a proposed meeting on equal employment in State government in the Commonwealth of Massachusetts.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 26, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-249 Filed 1-3-74;8:45 am]

MINNESOTA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota State Advisory Committee will convene at 12 Noon on January 10, 1974, in the Board Room, Holiday Inn, 1313 Nicollet Avenue, Minneapolis, Minnesota 55403.

Persons wishing to attend this meeting should contact the Committee Chairman or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to discuss final plans in preparation for a forthcoming factfinding meeting on Indian problems in the State of Minnesota.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., December 26, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-251 Filed 1-3-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAU

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 20, 1973.

On December 22, 1972, the United States Government concluded a comprehensive Bilateral wool and Man-Made Fiber Textile Agreement with the Government of Portugal concerning exports of wool and man-made fiber textiles from Macau to the United States over a five-year period beginning January 1, 1973 and extending through December 31, 1977. On May 30, 1973, notes were exchanged amending the agreement. Among the provisions of the agreement, as amended, are those establishing specific export limitations on wool textile products in Categories 116 and 117 and on man-made fiber textile products in Categories 219, 221, 222, 223, 224, 229, and 230, for the agreement year beginning January 1, 1974.

Accordingly, there is published below a letter of December 20, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of wool and man-made fiber textile products in the above categories produced or manufactured in Macau which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1974, and extending through December 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Act-Deputy Assistant Secretary ing Deputy Assistant Secretary for Resources and Trade

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of December 22, 1972, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible and for the twelve-month period beginning January 1, 1974 and extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Categories 116 and 117, and man-made fiber textile products in Categories 219, 221, 222, 223, 224, 229 and 230, produced or manufactured in Macau, in excess of the following twelve-month levels of restraints:

Category:	*Twelve-month levels of restraint*
116	310,769 pounds.
117	207,179 pounds.
219	378,813 dozens.
221	69,782 dozens.
222	268,413 dozens.
223	118,770 dozens.
224	274,359 pounds.
229	150,656 dozens.
230	18,605 dozens.

In carrying out this directive, entries of wool and man-made fiber textile products in the above categories, produced or manufactured in Macau, which have been exported to the United States from Macau prior to January 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1973 through December 31, 1973. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 22, 1972 between the Governments of the United States and Portugal which provide in part that within the aggregate limit, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustment pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the wool and man-made fiber textile categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended, on February 14, 1973 (38 FR 4436).

In carrying out this directive, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to the imports of wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-164 Filed 1-3-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 20, 1973.

On December 31, 1970, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral agreement with the Government of the Socialist Federal Republic of Yugoslavia concerning exports of cotton textiles and cotton textile products from Yugoslavia to the United States over a five-year period beginning January 1, 1971 and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit, and within the aggregate limit, specific limits on Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48 and 49, for the agreement year beginning January 1, 1974.

There is published below a letter of December 20, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Yugoslavia, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning on January 1, 1974, and extending through December 31, 1974, be limited to certain designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of December 31, 1970 between the Governments of the United States and the Socialist Federal Republic of Yugoslavia, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1974, and for the twelve-month period extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption, of cotton textiles and cotton textile products in categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric) 48, and 49, produced or manufactured in Yugoslavia, in excess of the following twelve-month levels of restraint:

Category:	*Twelve month level of restraint*
9	11,576,250 square yards.
18/19	578,813 square yards.
22	4,630,500 square yards.
26 (duck fabric[1]).	2,315,250 square yards.
26 (other than duck fabric).	2,894,063 square yards.
48	16,207 dozens.
49	32,066 dozens.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 9, 18/19, 22, 26 (duck fabric), 26 (other than duck fabric), 48, and 49, produced or manufactured in Yugoslavia and which have been exported to the United States from Yugoslavia prior to January 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1973, through December 31, 1973. In the event that the levels of restraint established for such goods for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Federal Republic of Yugoslavia which provides in part that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Federal Republic of Yugoslavia and with respect to imports of cotton textiles and cotton textile products from Yugoslavia have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs, exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-165 Filed 1-3-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE SOCIALIST REPUBLIC OF ROMANIA

Entry or Withdrawal from Warehouse for Consumption

DECEMBER 27, 1973.

On December 31, 1970, the United States Government, in furtherance of the objectives of, and under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Socialist Republic of Romania concerning exports of cotton textiles and cotton textile products from Romania to the United States over a five-year period beginning on January 1, 1971 and extending through December 31, 1975. Among the provisions of the agreement are those establishing an aggregate limit for the 64 Categories, and within the aggregate limit, specific limits on Categories 19, 26, 47, 49, 55, 60, and 63 for the fourth agreement year beginning January 1, 1974.

Accordingly, there is published below a letter of December 27, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in the above categories produced or manufactured in Romania, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1974, and extending through December 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER:

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1974 and for the twelve-month period extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in Romania, in excess of the following twelve-month levels of restraint:

Category:	*Twelve-month level of restraint*
19	1,273,388 square yards.
	21,546,775 square yards (of which not more than 578,813 square yards may be in duck fabric [1]).
47	46,960 dozens.
49	24,933 dozens.
55	15,889 dozens.
60	22,279 dozens.
63	402,652 pounds.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

In carrying out this directive, entries of cotton textile products in Categories 19, 26, 47, 49, 55, 60, and 63, produced or manufactured in Romania, which have been exported to the United States from Romania prior to January 1, 1974, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the twelve-month period beginning January 1, 1973, and extending through December 31, 1973. In the event that the levels of restraint established for the twelve-month period ending December 31, 1973, have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 31, 1970, between the Governments of the United States and the Socialist Republic of Romania which provide in part that within the aggregate limit, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the Federal Register on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Socialist Republic of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-166 Filed 1-3-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF CHINA

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 27, 1973.

On December 30, 1971, the United States Government, in furtherance of the objective of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive Bilateral Cotton Textile Agreement with the Government of the Republic of China concerning exports of cotton textiles and cotton textile products from the Republic of China to the United States. The agreement was amended on March 22, 1973 to establish additional specific export limitations on Categories 48 and 49. Among the provisions of the agreement, as amended, are those establishing specific export limitations, in addition to Categories 48 and 49, on Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43 and part of 62 (other knit shirts and blouses), 44, 45, 46/47, 50, 51, 52, 53, 54, 57, 59, 60, part of 62 (other knit wearing apparel), 63, and 64 for the agreement year beginning January 1, 1974.

Accordingly, there is published below a letter of December 27, 1973 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of China, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1974 and extending through December 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of China, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1974 and for the twelve-month period extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 5/6, 9/10, 15/16, 18/19, 20/21, 22/23, 24/25, 26/27, 28/29, 30, 32, 34/35, 41/42, 43 and part of 62, 44, 45, 46/47, 48, 49, 50, 51, 52, 53, 54, 57, 59, 60, part of 62, 63, and 64, produced or manufactured in the Republic of China, in excess of the following levels of restraint:

Category:	*Twelve-month level of restraint*
5/6	2,784,478 square yards.
9/10	32,745,907 square yards.
15/16	1,565,896 square yards.
18/19	1,771,622 square yards.
20/21	1,154,476 square yards.
22/23	3,518,780 square yards.
24/25	3,428,079 square yards.
26/27	6,403,101 square yards (of which not more than 3,428,079 square yards may be in duck fabric).[1]
28/29	2,178,715 pieces.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

Category:	*Twelve-month level of restraint*
30	2,834,594 pieces.
32	422,508 dozens.
34/35	319,045 pieces.
41/42	146,831 dozens.
43 and part of 62 (only T.S.U.S.A. Nos. 382.-0002, 382.0605, and 382.0610.	108,027 dozens.
44	28,847 dozens.
45	17,009 dozens.
46/47	11,446,939 square yds.
48	20,948 dozens.
49	32,227 dozens.
50	230,547 dozens.
51	370,386 dozens.
52	236,216 dozens.
53	18,896 dozens.
54	39,686 dozens.
57	188,973 dozens.
59	47,242 dozens.
60	35,716 dozens.

Category:	*Twelve-month level of restraint*
Part of 62 (All T.S.U.S.A. Nos. except those included in part of 62 combined with 43).	44,895 pounds.
63	236,216 pounds.
64	238,512 pounds.

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Republic of China, which have been exported to the United States from the Republic of China prior to January 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973. In the event that the levels of restraint established for the twelve-month period ending December 31, 1973, have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 30, 1971, between the Governments of the United States and the Republic of China, which provide, in part, that within the aggregate and applicable group limits, limits on specific categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton textiles and cotton textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-167 Filed 1-3-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PROPOSED CHILDREN'S SLEEPWEAR FLAMMABILITY STANDARD, SIZES 7 THROUGH 14

Notice of Meeting

Notice is given that the Consumer Product Safety Commission will hold a meeting to gather information on the possible economic effects of adopting the proposed flammability standard for children's sleepwear, sizes 7 through 14. (The proposal was published in the FEDERAL REGISTER of March 12, 1973; 38 FR 6700.)

The Commission is interested in obtaining the latest available information as to possible problems in production of children's sleepwear and possible effects of the energy crisis on production of children's sleepwear.

The meeting will be held on Friday, January 11, 1974, at 2 p.m. in the hearing room, Consumer Product Safety Commission, sixth floor, 1750 K Street NW., Washington, D.C.

Representatives of the American Retail Federation have been invited to attend. Other persons wishing to attend and/or present information should notify Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone 301-496-7197).

Dated: December 26, 1973.

JOLYON E. DAVIS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.74-222 Filed 1-3-74;8:45 am]

COST OF LIVING COUNCIL

[Notice 1973-7]

CALCULATION OF BASE PERIOD PROFIT MARGIN

Inclusion of Completed Years in Base Period Before Final Data is Available

The Cost of Living Council is amending "Part II—Calculation of Base Period Profit Margin" which appears in the "Instructions for Preparation of Form CLC-22" and the "Instructions for Preparation of Schedule R." These sections are amended to allow the most recently completed fiscal year to be used in the computation of base period profit margins for prenotification purposes before audited and S.E.C. data is available.

6 CFR 150.31 permits a firm to select as a base period any two of its fiscal years ending after August 15, 1968, except the year for which compliance is being measured. Information on net sales and operating income during those years must be provided on Form CLC-22, and that Form, in turn, requires attachment of Schedule R to reconcile sales and income information filed with the S.E.C. and the information supplied to the Cost of Living Council.

Under present requirements, for a period of 90 days it is not possible for an entity to use the most recently completed fiscal year as one of the years in its base period for prenotification purposes because final financial data on such year would not be available. In order to avoid delays and possible hardships, the "Instructions for Preparation of Form CLS-22" and the "Instruction for Preparation of Schedule R" are being amended to allow the most recently completed fiscal year to be used in calculation of base period profit margins for prenotification purposes despite the fact that final audited financial data is not available at the time of filing.

The "Specific Instructions for the Preparation of Form CLC-22, Part II" are amended by the addition of the following paragraph:

For any prenotification document submitted by an entity within 90 days after the end of its most recently completed fiscal year, the entity may, in selecting its base period, elect to use such fiscal year in the calculation of its base period profit margin.

The "General Instructions for the Preparation of Schedule R" is amended by the addition of the following paragraph which becomes the final paragraph of those instructions:

An entity which uses its most recently completed fiscal year in calculating its base period profit margin need not submit a Schedule R for that fiscal year with a Form CLC-22 submitted as a prenotification document within 90 days after the end of that year.

These amendments will be incorporated into revised instructions for Form CLC-22 and Schedule R which will be printed shortly.

This notice is issued on December 28, 1973, in Washington, D.C. and is effective immediately.

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

[FR Doc.73-27333 Filed 12-28-73; 5:10 pm]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Comments and Other Actions Impacting the Environment

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of November 16, 1973, and November 30, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and

any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments and the EPA source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: December 19, 1973.

SHELDON MEYERS,
Acting Director,
Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOV. 16, 1973, AND NOV. 30, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
D-AFS-60086-WA	Land use plan for the Alpine Lakes area of Washington	LO-1	K
D-AFS-61160-MT	Ceadar-Bassett multiple use plan, Montana	3	I
D-SCS-36238-MS	Tillatoba Creek Watershed, Mississippi	LO-2	E
D-AFS-24055-WA	Lake Quinault Sewage Collection and Treatment Facility, Washington.	LO-1	K
Corps of Engineers			
D-COE-34093-NY	East River and Steinway Creek Navigation Project, New York	ER-2	E
D-COE-36322-KS	Flood Protection Project, Marion, Kans	LO-2	H
D-COE-36329-IN	Brookville Lake, East Fork, Whitewater River, Ind	ER-2	F
D-COE-39057-MO	Maline Creek, St. Louis Metropolitan area, Missouri	ER-2	H
D-COE-39058-DE	Indian River inlet project maintenance, Sussex County, Del	ER-2	D
D-COE-39060-NJ	Operation and maintenance of New Jersey Intracoastal Waterway, N.J.	ER-2	C
D-COE-39064-WV	Beech Fork Lake, Beech Fork Creek, Wayne County, W. Va	ER-2	D
Department of Defense			
D-USN-11048-CA	Off-road vehicle use of Mirror Lake Naval Weapons Center, Calif	LO-1	J
Federal Power Commission			
D-FPC-05052-AL	Modified draft statement for Crooked Creek, Project 2628, Alabama	ER-2	E
Department of the Interior			
D-DOI-67002-MT	Strip mining of Crow Indian coal, Montana	ER-2	I
D-DOI-09009-CO	Hungry Horse cloud seeding program, Colorado	LO-1	I
D-IGS-02046-CA	Outer Continental Shelf, Santa Ynez Unit, Calif	ER-1	J
Department of Transportation			
D-CGD-50128-FL	Volusia County, Holly Hill and Daytona Beach, Fla	LO-1	E
D-CGD-99057-FL	New Coast Guard Station on Santa Rosa Island, Fla	LO-2	E
D-FAA-51315-WA	Kitsap County Airport, Wash	LO-1	K
D-FAA-51317-AK	Teller Airport, Alaska	LO-1	K
D-FAA-51317-TN	McGhee Tyson Airport, Knoxville, Tenn	LO-1	E
D-FAA-51318-AK	Chignik Airport, Alaska	LO-1	K
D-FHW-42035-MD	Lansdowne Rd., Baltimore County, Md	ER-1	D
D-FHW-42002-IA	U.S. 65, Polk and Jasper Counties, Iowa	LO-2	H
D-FHW-42009-MD	National freeway development, Cumberland to Hancock, Md	ER-2	D
D-FHW-42011-KS	U.S. 54 and K-96, Butler County, Kans	LO-2	H
D-FHW-42013-WI	U.S. 53 and U.S. 8, Barrone and Chippewa Counties, Wis	ER-2	F
D-FHW-41986-CO	Project F-040-2(2), Steamboat Springs, Colo	LO-2	I
D-FHW-42024-IL	FA 406 (FAI 74) to Tremong, Tazewell County, Ill	LO-2	F
D-FHW-42029-SC	Lancaster County, U.S. 521, Multilane highway, South Carolina	LO-2	E
D-FHW-42030-AL	Project S-1711-A, I-85 interchange, Montgomery County, Ala	LO-1	E
D-FHW-42031-SC	North-south freeway segment, Richland County, S.C	ER-2	E
D-FHW-42032-WI	S.T.H. 59, West county line, Genesee Rd., Waukesha, Wis	LO-2	F
D-FHW-42039-NB	U.S. 30, Columbus, Nebr	ER-2	H
D-FHW-42040-HI	Interstate H-1, Kapiolani interchange on-ramp, Hawaii	LO-2	J
D-FHW-42041-NB	U.S. 6 and Nebraska 15, Saline and Seward Counties, Nebr	LO-2	H
D-FHW-42054-CA	Storm drain, city of Pasadena, San Francisco, Calif	LO-1	J
RD-FHW-41993-00	Air quality guidelines for Federal-aid highways	EU-1	A
Veterans Administration			
D-VAD-81149-CA	120-bed rehabilitation/nursing home care building, California	LO-1	J

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory becuse of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOV. 16, 1973, AND NOV. 30, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Federal Power Commission			
F-FPC-05426-00	Blue Ridge project, Project, No. 2317, Virginia, North Carolina.	EPA has determined that this project may have unavoidable adverse effects on environmental quality. Air quality may be adversely affected by increased emissions from older generating units and a free-flowing river of high quality and substantial recreational potential would have to be sacrificed. Because of the adverse environmental effects envisioned, EPA has recommended that alternative methods of generating power be further explored.	A
Department of the Interior			
F-BLM-02045-00	Outer Continental Shelf oil and gas lease sale, offshore Mississippi, Alabama, and Florida.	EPA has reviewed the final environmental statement for a proposed Outer Continental Shelf oil and gas lease sale offshore Mississippi, Alabama, and Florida and has concluded that EPA has environmental reservations concerning the proposed action. At issue is the incomplete description of biological baseline studies and monitoring programs, and what we believe to be inadequate evaluation of alternatives to the proposed action. EPA is requesting additional information regarding the funding, timing, and integration of study efforts and results, along with a more thorough examination of tract selection criteria.	A
Department of Agriculture			
RF-AFS-65009-00	Regulations on use of offroad vehicles, forest service lands.	EPA generally agreed with the proposed regulations, which adequately accommodated our comments on the draft statement.	A

APPENDIX IV

REGULATIONS, LEGISLATION, AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN NOV. 16, 1973, AND NOV. 30, 1973

Identifying number	Title	General nature of comments	Source for copies of comments
Delaware River Basin Commission			
R-DRB-86027-00	18 CFR part 401, preparation of environmental impact statements.	EPA proposed that several of the definitions in these regulations be modified to show more clearly their interrelationships and to make them consistent throughout the document. In addition, EPA recommended that the format of the environmental report be modified to provide a full disclosure of how the proposed action was determined to be the best alternative.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

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FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19744, 19745; FCC 73-1326]

BELO BROADCASTING CORP. AND WADECO, INC.

Construction Permit for New Television Broadcast Station

Belo Broadcasting Corporation (WFAA-TV), Dallas, Texas, Docket No. 19744, File No. BRCT-33; Wadeco, Inc., Dallas, Texas, Docket No. 19745, File No. BPCT-4453.

1. The Commission has before it for consideration an Order of Certification in Docket No. 19744, issued by Administrative Law Judge Conlin on August 6, 1973, FCC 73M-912, a memorandum regarding the certified question, filed August 20, 1973 by Belo Broadcasting Corporation (WFAA-TV), comments on WFAA-TV's memorandum filed August 24, 1973 by the Broadcast Bureau, a letter regarding the certified question, filed September 6, 1973 by WADECO, Inc. (WADECO) a reply filed September 10, 1973 by WFAA-TV, and comments filed September 11, 1973, by the Chief, Broadcast Bureau.

2. On July 1, 1971, WADECO filed with the Commission an application for a construction permit for a television broadcast station mutually exclusive with an application for renewal of a license filed by WFAA-TV. WADECO was incorporated on June 23, 1971. Its application for construction permit shows that on that date there were six persons who were directors and shareholders of the corporation: James H. Wade, Charles E. Lattimore, Jr., Dan Eubanks, James A. Justice, Jack L. Burrell and Richard L. Dockery. Wade, Lattimore and Eubanks were respectively President, Vice President and Secretary-Treasurer, owning 64.8% of the then issued and outstanding stock of WADECO. The remaining issued and outstanding stock was shown to be owned by the other three shareholders-directors. Since the filing of its application WADECO has tendered 23 amendments thereto, 16 of which dealt with the transfer of its stock. The last amendment affecting ownership was tendered on November 1, 1972. On May 23, 1973, the WADECO and WFAA-TV applications were designated for hearing. An amendment dated July 7, 1972, showed that the incorporators' original controlling interest (64.8 percent) in WADECO had dropped to 31.8% and that the combined interest of the five remaining original stockholders was 43.8%. Twenty persons having no stock interest in the company on July 1, 1971

[1] We also considered the arguments presented to the Administrative Law Judge in the following pleadings: (a) a request to certify the question to the Commission, filed June 25, 1973, by WFAA-TV; (b) an opposition filed July 13, 1973, by WADECO; (c) comments, filed July 11, 1973, by the Broadcast Bureau; and (d) a reply filed July 20, 1973, by WFAA-TV.

owned 56.2 percent of the stock. The Commission files show no public notice by WADECO of the filing of either the July 7, 1972, amendment or of an earlier March 16, 1972 amendment also dealing with stock ownership.[2] In light of the foregoing and in response to a request filed by WFAA–TV, Administrative Law Judge Conlin, in an order, FCC 73M–912, released August 6, 1973 certified to the Commission the question of "whether the application of WADECO, Inc. can be prosecuted in its present form."

3. Under the question certified, we are requested to decide if WADECO's application for a television station construction permit is barred from comparative consideration with WFAA–TV's renewal application because WADECO filed amendments to its application, of which no public notice was given as required by §§ 1.522(a), 1.572(b) and 1.580(c) of the Rules, and which effected a transfer of control in the corporate applicant after the § 1.516(e)(1) cutoff date for the filing of applications mutually exclusive with WFAA–TV's application. In order to bar WADECO's application from comparative consideration under authority of § 1.516(e)(1), we would be required, in effect, to treat WADECO's amended application as a new one filed on the date of the amendments. WFAA–TV argues that such a conclusion is necessary to protect the policy underlying § 1.516(e)(1), *i.e.* the orderly processing of renewal applications and providing renewal applicants with notice of competing applications. WFAA–TV cites no cases on point in support of its construction of § 1.516(e)(1) but relies on our notice of proposed rulemaking regarding § 1.516(e)(1)[3] and the Report and Order adopting that Section of the Rules.[4] By way of an analogy, WFAA–TV cites § 1.571(j)(2) governing AM applications, wherein amendments effecting a transfer of control are given a new file number. The assignment of a new file number results in the application being treated as a new one and losing its right to comparative hearing status if the time for filing applications mutually exclusive with renewal applications under § 1.516(e)(1) has elapsed.

4. We do not agree with WFAA–TV's view of the operation of § 1.516(e)(1). We cannot graft onto § 1.516(e)(1), which applies to all broadcast stations, the substance of Section 1.571(j)(2) which applies only to AM broadcast applications. Such a result is not justified either by the express language of § 1.516(e)(1) or by the considerations which the Commission addressed when this rule was adopted. Our concerns, as evidenced by the Notice of Proposed Rulemaking and the Report and Order adopting § 1.516(e), involved the orderly processing of applications and the assurance of adequate notice of competing applications for licenses at renewal time to both the Commission and renewal applicants. We find both purposes are served if the § 1.516(e)(1) cutoff date applies only to the initial filing of an application. Provision is made in other sections of the rules for notifying renewal applicants of substantial changes in competing applications after they have been filed. Here, § 1.572(b) required WADECO to give public notice of any transfer of control affecting its application.

5. The fact that AM broadcast processing procedures, under § 1.571, expressly provide for the assignment of new file numbers for, *inter alia,* applications amended to effect a transfer of control in the applicant under some conditions, does not mandate the identical treatment of television or FM applications which are subject to different procedures. Furthermore, it is not proper in this type of proceeding to amend the processing procedures through the interpretation of a general rule, § 1.516(e)(1), when the rules treat transfer of control differently under more specific sections.[5] Such changes are more appropriately explored through our rulemaking procedures and should not be made on an ad hoc case-by-case basis. Therefore, we hold that the § 1.516(e)(1) cutoff date does not bar WADECO's amended application from comparative consideration with WFAA–TV's renewal application.

6. With regard to WADECO's possible violations of public notice requirements[6] in connection with its transfer of control amendments, we do not consider these apparent derelictions to be of sufficient gravity to warrant the dismissal of its application. However, this conclusion should not be construed as condoning WADECO's actions or minimizing their significance. We reject WADECO's contention that the failure to give notice of a transfer of control is *de minimis.* On the contrary, the notice requirements serve important public interest reasons and compliance with them must be assured. Therefore, we are enlarging the issues in the pending comparative hearing to inquire into WADECO's alleged violations of the Commission's public notice requirements and the bearing such violations have on WADECO's absolute or comparative qualifications to be a licensee.

7. One other matter merits our attention. A letter filed September 6, 1973, by counsel for WADECO raised the argument that a transfer of control in WADECO never occurred. WADECO asserts that on July 7, 1972, Mrs. Madeleine Wade, the wife of one of the original stockholders in the applicant, owned a 10 percent interest in WADECO. WADECO argues that Texas is a community property state and that under the "applicable" Texas law, Mr. Wade is the "manager of the community" and that he should be attributed with control of his wife's stock. Such an attribution would raise the original stockholders' interest in WADECO on July 7, 1972 to over the 50 percent level, and the original stockholders would have maintained affirmative control of WADECO. We have considered the argument on its merits and find WADECO to be in error on the asserted point of law. § 5.24(a) of the Texas Family Code, which appears to be controlling, provides that Mrs. Wade and not her husband controls the 10 percent interest, insofar as she is listed as owner of the stock in WADECO's application.[7] We are also troubled by the manner of WADECO's presentation. Aside from the fact that the letter form of pleading employed is not contemplated by the Commission's Rules, there is failure by WADECO to provide even a hint of the authority for its position on Texas community property law. WADECO's failure to cite any authority, statutory or case law, on an asserted but clearly incorrect point of law, which is contradictory to the applicable statute, and which is potentially of decisional importance to this proceeding, reflects either utter carelessness or an attempt to mislead the Commission. Such conduct does not approach the high standards expected of members of the Bar appearing before this Commission.

8. Accordingly, the question certified to the Commission is answered in the affirmative, and the application of WADECO, Inc., can be prosecuted in its present form; and

9. It is ordered, that the issues designated for hearing are enlarged to include the following issue:

To determine whether WADECO, Inc., violated the requirements of §§ 1.522, 1.572 and 1.580 of the Rules, and if so, the effect thereof on its basic and comparative qualifications to be a Commission licensee.

Adopted: December 19, 1973.

Released: December 26, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

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[2] Affirmative control of WADECO was transferred as of either March 16 or July 7, 1972, depending on whether all of the original stockholders or only the three incorporators are considered the group in privity having control of WADECO on July 1, 1971.

[3] Docket No. 18495, (34 FR 5605).

[4] 20 FCC 2d 191 (1969).

[5] Compare §§ 1.571(j)(2), (3)(AM), 1.572(a)(2)(b)(TV); and 1.573(b)(FM). See also § 1.522, governing the amendment of all applications, which implicitly recognizes the different treatment of transfer of control amendments by its reference to certain amendments in AM cases under § 1.571(j).

[6] Violations of §§ 1.522(a), 1.577(b) and 1.580(c) have been alleged by WFAA–TV.

[7] We note the facts that Texas community property law has recently undergone substantial changes (Articles 4619 *et seq.,* Revised Civil Statutes of Texas were repealed, and in lieu thereof, § 5.02 *et seq.,* Texas Family Code were adopted, effective January 1, 1970). § 5.24(a) in pertinent part provides:

During marriage, property is presumed to be subject to the sole management, control, and disposition of a spouse if it is held in his or her name, as shown by * * * evidence of ownership or if it is in his or her possession and is not subject to such evidence of ownership.

Thus, the present state of the law appears to be in flat contradiction with WADECO's position.

[Docket Nos. 19897–19901; FCC 78–1810]

CAVALLARO BROADCASTING CORP., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

Cavallaro Broadcasting Corporation, San Juan, Puerto Rico, Docket No. 19897, File No. BP–19073, Requests: 1030 kHz, 10 kW, DA–1, U; Boricua Broadcasting Corporation, San Juan, Puerto Rico, Docket No. 19898, File No. BP–19201, Requests: 1030 kHz, 10 kW, DA–1, U; Summit Broadcasting of Puerto Rico, Inc., San Juan, Puerto Rico, Docket No. 19899, File No. BP–19202, Requests: 1030 kHz, 10 kW, DA–1, U; Jose A. Figueroa and Antonio L. Ochoa, d/b as Figueroa and Associates, Rio Grande, Puerto Rico, Docket No. 19900, File No. BP–19203, Requests: 1030 kHz, 1 kW, DA–1, U; Vieques Radio Corporation, Isabel Segunda, Vieques, Puerto Rico, Docket No. 19901, File No. BP–19204, Requests: 1030 kHz, 250 W, 1 kW–LS, U.

1. The Commission has for consideration the above-captioned and described applications which are mutually exclusive, and therefore must be designated for hearing.

2. At the outset, the Commission recognizes the necessity of providing for some workable procedure to provide a basis for the estimates of the areas and populations to be served by the proposed stations at night. The nighttime service areas of the proposed stations will be determined, in whole or in part, by the nighttime limitations from a station in Cuba, CMJR, Camaguey (1030 kHz, 5 kW, DA, U). These limitations are not precisely determinable because the Cuban station has not notified a directional antenna pattern. However, assuming the maximum realistic radiation from CMJR, each of the proposals may nonetheless be expected to provide satisfactory service to their respective communities in accordance with our rules. It is necessary, therefore, that the parties to this proceeding enter into a stipulation governing the assumptions to be utilized in determining the nighttime limitations imposed by CMJR. The Administrative Law Judge designated to preside at the hearing will, in the Judge's discretion, make appropriate rulings on the necessary procedures for reaching such a stipulation and will, of course, approve whatever reasonable stipulation the parties may agree upon.

3. The three applicants for a San Juan station, Cavallaro Broadcasting Corporation (Cavallaro), Boricua Broadcasting Corporation (Boricua), and Summit Broadcasting of Puerto Rico, Inc. (Summit), propose antenna sites which are located in rugged terrain. Site photographs submitted by these applicants indicate that substantial terrain irregularities exist in the immediate vicinity of these three proposed sites. Thus, there is a substantial question of whether the terrain irregularities would preclude satisfactory adjustment and maintenance of the proposed arrays. The three proposed sites are located within six miles of each other, and thus, similar problems in adjusting and maintaining the arrays, making adequate proofs of performance, etc., would be experienced.

4. In earlier proceedings on the Cavallaro proposal, the predecessor to the Cavallaro Broadcasting Corporation, Augustine L. Cavallaro, Jr., placed in the hearing record certain proposals for site preparation and technical data concerning the adjustment and maintenance of the array. *Augustine L. Cavallaro, Jr.*, 15 FCC 2d 870. On the basis of those representations, it would appear that the array, constructed and operated in accordance with those proposals, and subject to appropriate conditions, would prove satisfactory. However, in the case of the Boricua and Summit, no such representations have been made. Accordingly, an issue concerning the suitability of the sites proposed by Boricua and Summit must be specified.

5. In the Cavallaro application it is proposed to top-load the antenna towers to achieve the necessary electrical characteristics. Therefore, in the event of a grant of the Cavallaro application, the construction permit will be conditioned to require the permittee to submit current distribution measurements.

6. Because of the site locations of the Cavallaro, Boricua, and Summit application, any permit issued to any one of those applicants must include certain conditions in addition to those standard conditions included in standard broadcast construction permits. Because of other transmitting facilities in the vicinity of the Cavallaro and the Summit sites, any grant to either of those applicants will be subject to the condition that steps be taken to prevent adverse effects due to reradiation and cross modulation. The sites proposed by Cavallaro, Boricua, and Summit are within a relatively short distance from a monitoring station on U.S. Government property at Sabano Seca, Puerto Rico. Therefore, the Commission will prescribe a maximum field strength at any location on the Government property, and any of the three applicants, if it should prevail in the hearing, must assume the responsibility of eliminating any interference to any of the operations at the Government facility.

7. Cavallaro Broadcasting Corporation will require approximately $501,382 to construct the proposed station and operate for a period of one year. This estimate includes the following: down payment on equipment costing $142,000, $28,400; twelve months' payments on equipment balance $28,400; twelve months' interest on equipment balance at 7 percent, $8,716; interest on $500,000 loan (if available) at current interest rate of 12 percent, $60,000; land preparation per applicant's Appendix A, Exhibit III, $50,000; building per applicant's Appendix A, Exhibit III, $25,000; miscellaneous and other items per applicant's Appendix A, Exhibit III, $116,786; and working capital per applicant's Appendix B, Exhibit III, $184,080.

8. The Cavallaro Broadcasting Corporation indicates the intention of relying on existing capital and a bank loan. The corporate balance sheet dated November 20, 1973, indicates cash and/or liquid assets in excess of current liabilities of $4,860. The bank loan on which the Cavallaro Broadcasting Corporation relies is a loan from The Bank of Nova Scotia of a half million dollars. The applicant states that this bank commitment is unconditional except that the bank will require the personal guarantees of the applicant's two principals. Those principals have indicated their willingness to guarantee the loan. The applicant's assertion that the loan is unconditional except for the personal guarantees of its principals is not correct. The loan is subject to the further condition that the corporation shall provide proof satisfactory to the bank's counsel that the corporation is the holder of a final and incontestable construction permit from the Federal Communications Commission to erect a fulltime standard broadcast station on 1030 kHz in San Juan. The Commission is unable to determine if the foreign bank is authorized to lend such amounts of money in U.S. currency and therefore cannot accept such loan as available without clarifications.

9. One further matter appears to require some clarification. On on earlier balance sheet of the Cavallaro Broadcasting Corporation, dated September 1, 1973, a footnote stated that "any liabilities are for profession services which are being paid directly by the stockholders." The amount of such direct payments and what effect those payments by the stockholder of liabilities—presumably liabilities of the corporation—has on the financial position of the corporation or any claims against the corporation by the stockholders who pay such liabilities are not indicated. The applicant has represented that "any further infusion of monies from its stockholders" is not necessary in the light of the corporation's bank credit. It apepars to be a reasonable inference, in view of the apparent practice of the stockholders to meet corporate obligations by direct payment, and particularly in view of the fact that the bank credit, if available, will not become available in any event until the corporation becomes the holder of a construction permit, that "infusion of monies from its stockholders" has occurred in the past and may continue in the future. If that be the case, the applicant has failed to indicate the amount of such payments, past and future, and has failed to establish the ability of the stockholders to meet future direct payments. The Commission will specify a general financial issue to permit the Cavallaro Broadcasting Corporation to clarify its financial proposal.

10. On the basis of Boricua's estimates, $434,000 will be required to meet construction costs and initial operating expenses. Included in that total are: down payment on equipment, $38,125; first-year payments on equipment with interest, $43,375; land, $84,000; building, $6,000; miscellaneous, $112,500; and working capital (first year), $150,000. Boricua plans to meet its costs with cash on hand or in banks in the amount of $21,201; stock subscriptions receivable,

$215,000; and loans from stock subscribers, $266,000. Assuming that funds are available as represented, it would appear that Boricua is financially qualified. However, the balance sheets of a majority of the subscribers do not reflect sufficient cash or liquid assets in excess of current liabilities to meet their commitments. Therefore, an issue to permit the adduction of evidence of the availability of additional funds will be specified.

11. Summit's estimates indicate that a total of $217,100 will be required to meet construction costs and initial operating expenses. The itemization of these costs are as follows: down payment on equipment, $20,000; first-year payment on equipment with interest, $21,600; land, $3,000; building, $23,000; miscellaneous, $25,500; working capital for the first year, $124,000. Summit claims the availability of $7,000 cash on hand and in banks, a $200,000 bank loan, and $100,000 payable under stock subscription agreements. Summit cannot be given credit for the prospective proceeds from the bank loan, first, because the loan has been "approved in principle" subject to the condition that the interest rate is to be determined. Thus, the precise obligation to the bank cannot be ascertained. Second, the bank will require the guarantees of the corporation's stockholder, Juan Rodriguez de Jesus, and George A. Mayoral, but there is apparently no indication that the guarantors are willing to guarantee the loan. Moreover, Mr. Mayoral has subscribed to 49,000 shares of stock, but his personal balance sheet does not indicate that he has sufficient assets to meet his commitment for additional shares of stock. Accordingly, the Commission will specify appropriate issues to determine whether Summit is financially qualified.

12. The cash requirements of Vieques would appear to be $136,291, consisting of the following: down payment on equipment, $10,000; first-year payment on equipment with interest, $16,140; miscellaneous, $35,451; first-year working capital, $74,700. Although Vieques claims to have slightly in excess of $9,900 on hand and in banks, additional funds must be obtained from the proceeds of a bank loan and from subscribers to capital stock. Several aspects of the bank loan, the amount available from subscription agreements and the conditions attached to those agreements require clarification.

13. According to the latest commitment from a banking institution, the bank will favorably consider granting a line of credit in the amount of $75,000. For this line of credit extended to Vieques, the bank will require four named co-signers. The rate of interest will be eight percent per annum, and "Repayment will be required on the basis of partial payments to be agreed on and requiring an annual clean-up of the line." The difficulty with the bank's commitment, apart from the fact that it is doubtful whether a banking institution can be bound to extend credit at eight percent per annum at this time, is that the terms are so imprecise that the applicant's specific obligation to the bank cannot be determined.

14. With regard to the stock subscription agreements, four such agreements were submitted with the application as originally filed. Under these agreements, each subscriber was to make a capital contribution of $15,000, for a total of $60,000. With a subsequent amendment, two of the original subscribers increased their commitments to $40,000 and $25,000, respectively. A fifth subscriber, apparently not previously obligated to acquire a substantial interest in the corporation—although his name appeared on a list with the original application entitled "stockholders"—undertook to purchase 30,000 shares of stock for $30,000. The fifth subscriber, is Mr. Israel Delgado Ramos. Two of the original subscribers, Rafael S. Carrillo and Antonio R. Barcelo, Hijo[1] did not file subscription agreements with the subsequent amendment. Exhibit No. III–E to the amendment refers to the new subscription agreements and states that $95,000 will be paid for the 95,000 shares covered by the new agreements. No reference is made in the amendment to the agreements signed earlier by Messrs. Carrillo and Barcelo. This raises a question of whether Carrillo and Barcelo are still bound under their agreements.

15. It appears that Carrillo and Barcelo remain under some obligation to the corporation because of the following observations. In the bank letter requiring four named cosigners, the names Antonio R. Barcelo Moreno and Rafael S. Carrasquillo appear. In Exhibit III–E to the amendment the names also appear as Antonio R. Barcelo Moreno and Rafael S. Carrasquillo. In a letter of former counsel accompanying the amendment, the names appear as Antonio R. Barcelo, Hijo, and Rafael S. Carrasquillo. However, in a letter indicating the willingness of the four guarantors to become cosigners, Mr. Barcelo apparently signed his name, "A. Barcelo, Hijo." In the same letter, the typed name Carrasquillo appears, but has been altered to eliminate the letters "asquillo" from the middle of the name, and the signature above the altered typewritten name is "Rafael S. Carrillo". At various other places in the application, the names appear as Antonio R. Barcelo, Jr., and Rafael Carrillo. Subject to later clarification, the Commission is assuming that, whenever the name Barcelo appears in any context in the application, the same individual is intended. The Commission also assumes, subject to clarification, that the names Carrillo and Carrasquillo refer to the same individual. Incidentally, at no place in the application, except on stock subscription agreements, is there any indication that either Mr. Carrillo or the new stock subscriber, Israel Delgado Ramos, will become principal stockholders of the corporation.

16. Finally, the Commission takes note of the unusual terms stated in the stock subscription agreements. Each individual agreement provides that one percent of the amount subscribed is payable upon the signing of the agreement. Another ten percent is payable on the day that a license to operate the station is issued to the applicant. The balance of the amount subscribed is due in such installments and at such times as the board of directors may, by resolutions and written notice, require. Elsewhere in the application is a statement which may be attributed to one of the stockholder subscribers, Ramon E. Dapena, since the amendment in which the statement was contained was filed under his signature, it is stated that the $95,000 reflected in the three agreements filed with the amendment is payable at any time before, during, or after construction of the station, as the board of directors may require. But there is no indication that the other stock subscribers have any other understanding than that the major portion of the amounts due under the agreements will not be payable until some time after the licensing of the station. At least, such would be a reasonable inference upon reading the agreements. Thus, there is no definite assurance that the corporation will have the funds to meet the substantial costs of a hearing and, if successful, the costs of the construction of the station prior to the issuance of a license.

17. In view of the foregoing discussion, it appears that clarifying amendments are in order. Upon consideration of all the matters that require clarification, the Commission is unable to find that the Vieques Radio Corporation is financially qualified. Therefore, a general financial issue must be specified.

18. Summit, in responding to the requirements of the statement of program service (section IV–A, FCC Form 301), provided a statement in general terms of the composition of San Juan with some discussion of the ethnic breakdown of the city of San Juan. There is little evidence of the applicant's awareness of the composition of the city with reference to economic, governmental and other activities, and the applicant has not demonstrated that interviews with some twenty-four community leaders are sufficient upon which to base a meaningful response to community problems. Moreover, the description of consultations with members of the general public is not sufficient to demonstrate that a random sampling of members of the general public has been taken. *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 36 FR 4092, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Therefore, an issue will be specified to permit Summit to demonstrate whether or not it has complied with the requirements of the Primer.

19. George A. Mayoral, one of the principals of Summit Broadcasting of Puerto Rico, Inc., is the principal stockholder (84.5 percent) of the Summit Broadcasting Company, Inc., a permittee of station WJMR–TV, New Orleans, Louisiana. Although Mr. Mayoral is an officer, director, and stockholder of both Summit Broadcasting of Puerto Rico, Inc., and the Summit Broadcasting Company, Inc., (WMJR–TV), the two corporations are separate entities. On November 2, 1972,

[1] The word, "Hijo" (approximate pronuciation, EE-hoh), following the name of a person is the Spanish equivalent of the English word, Junior.

an application was tendered on FCC Form 316 requesting Commission consent to the acquisition of negative control (50 percent) of the licensee of station WBOX, Bogalusa, Lousiana, by the Summit Broadcasting Company, Inc. That application was returned because the nature of the transfer required that the application be filed on FCC Form 315 (Transfer of Control). The application was not refiled, but, instead, Summit Broadcasting Company, Inc., acquired a 49-percent interest in WBOX, and this acquisition was reported by WBOX. On June 1 of this year, WBOX filed an application (BAL–7910) in which it is proposed that all of the present stockholders, including Summit Broadcasting Company, Inc., will relinquish their interests in WBOX. On July 30 of tihs year, an application (BAL–7956) was filed in which it is proposed that Mr. Mayoral will acquire a majority interest (73 percent) in standard broadcast station WSDL, Slidell, Louisiana. Notwithstanding the acquisition of the Summit Broadcasting Company's interest in WBOX and the filing of the assignment applications for WBOX and WSDL, the application of Summit Broadcasting of Puerto Rico, Inc., has not yet been amended to reflect these matters. In the application of Summit Broadcasting of Puerto Rico, Inc., as originally filed, the applicant reported the interest (50 percent) of Summit Broadcasting Company, Inc., in stations KBRZ(AM), Freeport, Texas, and KLJT (FM), Lake Jackson, Texas. On September 5, 1973, applications were filed requesting Commission consent to the assignment of the licenses of KBRZ (file No. BAL–7978) and KLJT (file No. BALH–1892) to Coastal Broadcasting, Inc. However, the application of Summit Broadcasting of Puerto Rico, Inc., has not been amended to reflect the pendency of the KBRZ and KLJT applications. Accordingly, Summit Broadcasting of Puerto Rico, Inc., has not complied with section 1.65[3] of the Commission's rules, and the applicant's failure to comply with that section must be placed in issue.

20. Three of the applicants in this proceeding specify the city of San Juan as the station location; the fourth applicant specifies Rio Grande, which is situated some ten to twelve miles east of San Juan; and the fifth applicant specifies the community of Isabel Segunda, approximately forty miles east-southeast of San Juan on the Island of Vieques. It is apparent, therefore, that one of the determinations required in this proceeding is the question of fair, efficient and equitable distribution of radio service as contemplated by section 307(b) of the Communications Act of 1934, as amended. Accordingly, an appropriate issue is being specified. The applicants are being required in accordance with the consistent practice in a case of this nature to adduce evidence of the areas and populations to receive service from each of the proposals. The area and population data will, of course, be relevant to a conclusion with respect to whether a decision in this case should be based, in part, on the contingent comparative issue which is also to be specified.

21. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

22. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

23. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine whether the transmitter sites proposed by the Boricua Broadcasting Corporation and Summit Broadcasting of Puerto Rico, Inc., are satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would preclude an adequate proof of performance and satisfactory adjustment and maintenance of the proposed directional antenna system.

3. To determine whether the Cavallaro Broadcasting Corporation and the Vieques Radio Corporation are financially qualified to construct and operate their proposed stations.

4. To determine with respect to the application of the Boricua Broadcasting Corporation:

(a) Whether sufficient funds are available to stock subscribers to meet their commitments to purchase stock; and

(b) In the light of the evidence adduced pursuant to the foregoing, whether the Boricua Broadcasting Corporation is financially qualified to construct and operate its proposed station.

5. To determine with respect to the application of Summit Broadcasting of Puerto Rico, Inc.:

(a) The availability of a loan from a banking institution, the amount, rate of interest and other terms and conditions of the loan:

(b) Whether, if such loan is available and the personal guarantees of the principals of the corporation are required, Juan Rodriguez de Jesus and George A. Mayoral are willing to furnish such personal guarantees;

(c) Whether George A. Mayoral has sufficient funds available to meet his commitment to purchase corporate shares; and

(d) In the light of the evidence adduced pursuant to the above (a, b and c), whether Summit Broadcasting of Puerto Rico, Inc., is financially qualified to construct and operate its proposed station.

6. To determine the efforts made by Summit Broadcasting of Puerto Rico, Inc., to ascertain the community problems of the areas to be served and the means by which the applicant proposes to meet those problems.

7. To determine whether Summit Broadcasting of Puerto Rico, Inc., has complied with the provisions of § 1.65 of the Commission's rules by keeping the Commission advised of substantial and significant changes in the application and, if not, the effect of such non-compliance on its basic and/or comparative qualifications to be a Commission licensee.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event it is concluded that a choice between the applicants should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

10. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

24. *It is further ordered,* That, in the event of a grant of the application of the Cavallaro Broadcasting Corporation, or the application of Summit Broadcasting of Puerto Rico, Inc., the construction permit shall include the following condition:

Permittee shall assume responsibility for the installation and adjustment of filter circuits or other equipment in the antenna systems of the proposed operation and any existing station which may be necessary to prevent adverse effects due to reradiation and/or internal cross-modulation. In addition, any objectionable problems of external cross-modulation shall be eliminated.

25. *It is further ordered,* That, in the event of a grant of the application of the Cavallaro Broadcasting Corporation, the Boricua Broadcasting Corporation or Summit Broadcasting of Puerto Rico, Inc., the construction permit shall include the following condition:

The fundamental field strength on 1030 kHz, as determined by measurement at *any* location on Government property at the Sabana Seca, Puerto Rico, monitoring station, shall not exceed 15 mV/m. Additionally, in any event of interference to monitoring, directional finding or related operations at the government facilitiy caused by either spurious or harmonic radiation, immediate corrective action as necessary shall be taken to eliminate the interference. This shall include responsibility for furnishing, installing, and adjusting suitable filter circuits, shielding, or other corrective devices which may be necessary to minimize harmonic or spurious radiation.

26. *It is further ordered,* That, in the event of a grant of the application of the Cavallaro Broadcasting Corporation, the construction permit shall include the following condition:

Current distribution measurements shall be submitted to establish that the antenna

[3] Section 1.65 of the rules places upon an applicant the responsibility for the continuing accuracy and completeness of the information furnished in a pending application.

towers have been top-loaded to produce the electrical characteristics of essentially 204-degree towers, as proposed.

27. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

28. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: December 12, 1973.

Released: December 27, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-10 Filed 1-3-74;8:45 am]

DOMESTIC SATELLITE EARTH STATION APPLICATIONS

Technical Information Required

DECEMBER 21, 1973.

Applications for domestic satellite earth stations now on file must be taken into account by applicants for terrestrial facilities sharing the same frequency bands. However, calculations that must be made during the prior coordination procedure required by the rules cannot be completed unless the characteristics of these earth stations are available.

The technical information necessary to make these calculations should now be contained in all earth station applications pursuant to Section 25.203 of the rules. However, all of this information has not been supplied for a number of pending applications. (Typically, these applications omit rain scatter coordination distance contours, the antenna gain patterns, and the permissible r.f. interference power level.)

Therefore, if such applications for transmit/receive or receive only-earth stations are not amended to include such information by February 15, 1974, they will be subject to dismissal for failure to prosecute.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-325 Filed 1-3-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

DECEMBER 26, 1973.

Take notice that Granite State Gas Transmission, Inc. (Granite), on December 3, 1973, tendered for filing its proposed Substitute Second Revised Sheet 3A to its FPC Gas Tariff, Original Volume No. 1, containing proposed changes in rates requested to be effective January 1, 1974. According to Granite, the proposed changes would increase revenues from jurisdictional sales by approximately $757,900 annually, based on deliveries for the 12 months ended September 30, 1973. Granite states that the instant filing is made pursuant to a purchased gas adjustment provision, previously approved by the Commission, on December 14, 1972, in Docket No. RP73-17.

Granite further states that the instant filing is in substitution for a similar filing made on November 15, 1973 and noticed on November 27, 1973. Granite states that it purchases its entire supply of natural gas from Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Tennessee). Granite states that its earlier filing was based on increased purchased gas costs resulting from proposed increases in rates filed by Tennessee in Docket No. RP73-113, but that subsequent to Granite's filing, Tennessee made adjustments in its rates in Docket Nos. RP73-113 and RP73-114 for effectiveness on January 1, 1974, which Granite's instant filing reflects.

According to Granite, copies of the filing were served upon Northern Utilities, Inc., the Company's sole jurisdictional customer and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-235 Filed 1-3-74;8:45 am]

[Docket No. E-8545]

INTERSTATE POWER CO.

Notice of Changes in Service Agreements

DECEMBER 21, 1973.

Interstate Power Co. (Interstate) on December 10, 1973, tendered for filing two renewal service agreements applicable to service to Wells Public Utility Commission, Village of Wells, Minnesota (Wells), proposed to become effective on December 15, 1973. The two proposed service agreements would supersede and cancel previous agreements dated June 3, 1970, designated as Interstate's FPC Rate Schedule No. 95 and Supplement No. 1 to that schedule.

Interstate states that one of the renewal agreements, the Electric Service Agreement, contains the same optional categories of electric service as those included in Interstate's FPC Rate Schedule Nos. 101, 103, 104, 105, 106, 107 and 108. Sections 8.2 and 9.2 of the Electric Service Agreement are revised, pursuant to the terms of those sections, for reference to the currently applicable Mid-Continent Area Power Pool Agreement. Section 8.2 also includes the currently effective energy rate approved as Interstate's FPC Rate Schedule No. 102.

The other renewal agreement covers service under the Transmission Agreement which remains unchanged since that agreement has been renewed only to coincide with the effective date of the Electric Service Agreement.

Interstate indicates that since none of the sales transactions in the past twelve months period were of a "firm power" nature, no schedule of expected revenues is included in the filing. Waiver of the notice requirements of § 35.11 of the Commission's rules of practice and procedure is requested in order that the expanded service categories under the new agreement are available to Wells for the monthly billing period commencing December 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-236 Filed 1-3-74;8:45 am]

[Docket No. E-8513]

KENTUCKY UTILITIES CO.

Notice of New Delivery Point

DECEMBER 21, 1973.

Take notice that on November 23, 1973, the Kentucky Utilities Co. (KUC) tendered for filing a change in its Rate Schedule FPC No. 82 to include an additional delivery point, to be known as the Ledbetter delivery point, as requested by the Jackson Purchase RECC (Jackson). According to KUC, the new delivery point is in keeping with the contract between KUC and Jackson, specifically section 4; and KUC expects service to begin on or about December 21, 1973, which it requests as the effective date.

KUC states that no reasonable billing estimates can be made because this is a new delivery point, present loads from other delivery points will be shifted, and new customers may be served. KUC further states that copies of the tendered filing have been sent to Jackson and the Kentucky Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-237 Filed 1-3-74;8:45 am]

[Docket No. E-8495]

NEW BEDFORD GAS AND EDISON LIGHT CO.

Notice of Compliance Filing

DECEMBER 21, 1973.

Take notice that New Bedford Gas and Edison Light Co. (Edison) on November 11, 1973, tendered for filing Schedules 1 through 11 which reflect the appropriate data pertaining to the parties' applicable gross investments, combined Federal income and Franchise tax rates, and local tax rates for the twelve month period ending December 31, 1972. This filing is being made pursuant to a Commission letter dated April 26, 1973, accepting Rate Schedules FPC Nos. 21, 27, and 67 for filing in Docket No. E-7981. According to Edison, this data will be submitted annually in the future.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-238 Filed 1-3-74;8:45 am]

[Docket No. RP74-46]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 21, 1973.

Take notice that the Southern Natural Gas Co. (Southern) on December 3, 1973, tendered for filing a Second Revised Sheet No. 364A to Southern's FPC Gas Tariff, Original Volume No. 3. Attached to this filing and designated as Exhibit A was further information as required by § 154.94(f)(1) of the Commission's regulations.

Southern states that the filing is being made to reflect a contractual increase in price on January 1, 1974, from 20.60¢ per Mcf to 20.79¢ per Mcf. Southern states that such increased rate does not exceed the base area rate as adjusted for Btu and pressure base and, therefore, Southern requests that such increase be made effective thirty days from the date of filing with the Commission.

According to Southern, this filing is being mailed to Texas Eastern Transmission Corporation and is available at Southern's offices in Birmingham, Alabama.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for pubilc inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-239 Filed 1-3-74;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 21, 1973.

Take notice that Texas Eastern Transmission Corp. (Texas Eastern) on December 10, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Fourth Revised Sheet No. 13
Fourth Revised Sheet No. 13A
Fourth Revised Sheet No. 13B
Fourth Revised Sheet No. 13C
Fourth Revised Sheet No. 13D

Texas Eastern states that these sheets have an issue date of December 5, 1973 and are issued in substitution of similarly numbered sheets having an issue date of November 15, 1973, and that they are issued to correct an error made by Texas Eastern in the computation of the purchased gas cost adjustment effective January 1, 1974, which was filed November 16, 1973.

The proposed effective date of the above tariff sheets is January 1, 1974. In this respect Texas Eastern requests waiver of the applicable provisions of the Commission's rules and regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-240 Filed 1-3-74;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 21, 1973.

Take notice that Texas Eastern Transmission Corp., on December 11, 1973, tendered for filing with the Federal Power Commission tariff sheets which incorporate the settlement rates, over-run penalty provision, and the revised purchased gas adjustment clause, pursuant to the Second Revised Stipulation and Agreement date July 25, 1973, in Docket No. RP72-98, which was approved with a condition as to Demand Charge Adjustment by the Commission's Order issued November 26, 1973. Texas Eastern states that these sheets are being issued in accordance with such Order.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are availabe for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-241 Filed 1-3-74;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition for Extraordinary Relief

DECEMBER 26, 1973.

Take notice that on December 7, 1973, Louisiana Gas Service Co. (LGS) filed a petition for extraordinary relief from its summer season volumetric limitation and the overrun penalty provisions contained in Texas Gas Transmission Corporation's (Texas Gas) FPC Gas Tariff, Third Revised Volume No. 1.

In support of its petition, LGS asserts that, because of weather conditions beyond its control, it has overrun, by approximately 4,412 Mcf its summer season quantity entitlement from Texas Gas. Although excessive rain in April and May 1973, resulted in less than normal usage of natural gas for irrigation purposes, weather conditions required higher than expected usages during the months of June through October. LGS asserts that neither it nor its customers on this part of its system located in Morehouse Parish, Louisiana, which is not connected with the other portions of its system, have any alternate fuel sources.

LGS states that all of its customers in Morehouse Parish are residential, small commercial, or agricultural consumers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 3, 1974. The notices and petitions for intervention previously filed in this proceeding will not operate to make those parties interveners or protestants with respect to the instant filing. 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 in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-242 Filed 1-3-74;8:45 am]

[Docket Nos. C174-82 and C174-132]

TEXACO INC. AND TENNECO OIL CO.

Notice Extending Procedural Dates

DECEMBER 21, 1973.

On December 14, 1973, Staff Counsel filed a motion to extend the time for the filing of direct testimony and evidence as fixed by order issued November 1, 1973, in the above-designated matter. The motion states that all parties have agreed to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Testimony and Evidence by Staff, January 4, 1974.
Rebuttal Testimony, January 25, 1974.
Hearing, February 12, 1974 (10 a.m., e.s.t.).
Decision by Administrative Law Judge, March 8, 1974.
Briefs on Exceptions, March 15, 1974.
Briefs Opposing Exceptions, March 29, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-243 Filed 1-3-74;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Petition of the City of Danville Gas Department for Special Relief

DECEMBER 26, 1973.

Take notice that on December 6, 1973, the City of Danville, Virginia, Gas Department (Danville) filed a petition for special relief from the gas allocation based on customer end-use data submitted by Transcontinental Gas Pipeline Corp. (Transco) on November 1, 1973.

The end-use data for the base period May 1972 through April 1973 was filed by Transco on October 16, 1973, to show the proposed implementation of Transco's end-use curtailment plan.

Danville contends that the implementation data filed by Transco does not show the amount of gas required to serve Danville's firm customers (priorities 1-5) for the winter season period of 151 days (November 16-April 15) and, therefore, Danville requests deliveries of additional gas. Transco had previously informed Danville that it plans a seasonal allocation for a 151-day period (November 16-April 15) and, therefore, all computations were based on this time period.

Specifically, Danville alleges that Transco, in deriving Danville's seasonal allocation for priorities 1-5, deducted from the total for this period the amount of gas sold in priorities 6-8. Danville states that since Transco used half of the monthly totals for November 1972 and April 1973 in computing interruptible loads for priorities 6-8, the averaging of the gas load for these two months results in a gas shortage for Danville of 56,923 Mcf because less gas was actually sold to interruptible customers during the last 15 days of November and the first 15 days of April than the average indicates. Therefore, Danville requests an additional 56,923 Mcf of gas be allocated for the winter season period (November 16-April 15).

Danville further contends that during the base period of May 1972 through April 1973 one of its firm contract customers, Goodyear Tire and Rubber Company (Goodyear) did not use its full contract amount and this gas was sold to interruptible customers in priorities 6-8. Goodyear is now requiring its full contract amount which Danville states will cause a seasonal allocation shortage of 225,630 Mcf in priority 5. Therefore, Danville requests that an additional 225,630 Mcf of gas be allocated to priority 5 for the winter season period.

Danville finally contends that the end-use data submitted is not a good representation of an average winter in the Danville area since this data shows the amount of gas required for space heating for a winter season that is less than average. Therefore, Danville requests an additional 56,268 Mcf of gas be allocated for the winter season period in order to meet the heating load of an average winter.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20420, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before January 4, 1974. Petitions for intervention previously filed in this proceeding will operate to make those parties intervenors or protestants with respect to the instant filing. 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. Therefore, any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-244 Filed 1-3-74;8:45 am]

[Docket Nos. RP71-29, RP71-120]

UNITED GAS PIPE LINE CO.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 26, 1973.

Take notice that on December 14, 1973, United Gas Pipe Line Co. (United) tendered for filing alternative sets of revised and original tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1 establishing procedural guidelines for granting emergency exemptions from curtailment to its direct electric utilities and other customers where necesary in order to forestall irreparable injury to life or property. The tariff sheets are purportedly drafted to ensure compliance with emergency exemption from curtailment procedures established by finding paragraphs C and D of Commission Opinion No. 647. These sheets also are a refiling pursuant to letter order to United dated November 21, 1973, in which the Commission rejected United's October 26, 1973 filing without prejudice to its refiling after revision. Under the earlier filing, emergency gas volumes delivered in a given month and not repaid by the end of that month would

have been billed at 80 cents per Mcf, with a Btu adjustment. This proposal has been deleted from the tariff sheets herein noticed.

The first set, comprised of four sheets [1] and styled Appendix A, is designed to supersede currently effective Third Revised Sheet No. 71. These sheets deal only with emergency electric utility exemptions. The second set, includes 7 sheets [2] and is styled Appendix B. The tariff sheets in Appendix B contain the same emergency electric utility exemption provisions as the Appendix A tariff sheets, as well as additional provisions, dealing with both electric utility and "life or property" exemptions. These sheets, if effectuated, would supersede currently effective Third Revised Sheet No. 71, Fifth Revised Sheet No. 72, and Second Revised Sheet No. 72–A. United requests that its Appendix B tariff sheets be made effective immediately, or alternatively, if notice is required, that its Appendix A tariff sheets be made effective in the interim and that protests be limited to the additional provisions contained only in the Appendix B sheets.

A shortened notice period in this matter will be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before January 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73–245 Filed 1–3–74;8:45 am]

[Docket No. RP73–94]

VALLEY GAS TRANSMISSION, INC.

Notice of Adjustments Pursuant to PGA Clause

DECEMBER 26, 1973.

Take notice that on November 16, 1973, Valley Gas Transmission, Inc. (Valley) tendered for filing its First Revised Sheet No. 2A to its FPC Gas Tariff, Original Volume No. 1. Valley states that this is its first filing pursuant to its Purchased Gas Cost Adjustment Provision (PGA Clause), which became effective May 16, 1973.

Valley requests waiver of section 4(b) of its PGA Clause to allow the adjustment to become effective January 1, 1974. According to Valley, the first adjustment was required to be made by November 16, 1973, but Valley obtained the consent of the purchasers to shift the effective date to January 1, 1974 (with subsequent adjustments at six-month interests thereafter), to eliminate the split month and place the adjustments on a calendar year basis.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–246 Filed 1–3–74;8:45 am]

[Docket No. E–8546]

VILLAGE OF GEORGETOWN, OHIO

Notice of Filing of Complaint

DECEMBER 19, 1973.

Take notice that on December 5, 1973, the Village of Georgetown, Ohio filed in Docket No. E–8546 a complaint against The Cincinnati Gas and Electric Co. Complainant alleges, for reasons more fully set forth in its complaint, that Cincinnati has violated section 205 of the Federal Power Act and certain rules, regulations, and orders issued by the Commission.

Complainant requests the Commission to find that the rate, charges, and classification, demanded, observed, charged, and collected by the company for the sale and transmission of electric energy to complainant, subject to the jurisdiction of the Commission, is unjust, unreasonable, unduly discriminatory, and preferential; to determine the just and reasonable rate, charge, and classification; and to fix the same by order.

Complainant further requests the Commission to permit such just and reasonable rate, charge, and classification to become effective from and after the date company began the transmission and sale from its high voltage transmission power pool by specifying October 25, 1971, as the effective date of the revised rate schedule.

Any person desiring to be heard with respect to the above complaint should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the above complaint are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–247 Filed 1–3–74;8:45 am]

[Rate Schedule Nos. 28, etc.]

WARREN PETROLEUM CO., ET AL.

Notice of Rate Change Filings

DECEMBER 18, 1973.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[1] Revised Substitute Third Revised Sheet No. 71, Revised Original Sheet No. 71–A, Revised Original Sheet No. 71–B, Revised Original Sheet No. 71–C.

[2] Revised Substitute Third Revised Sheet No. 71, Revised Original Sheet No. 71–A, Revised Original Sheet No. 71–B, Revised Original Sheet No. 71–C, Original Sheet No. 71–D, Sixth Revised Sheet No. 72, Third Revised Sheet No. 72–A.

APPENDIX

Filing date	Producer	Rate schedule	Buyer	Area
Nov. 26, 1973	Warren Petroleum Co., P.O. Box 1589, Tulsa, Okla. 74102.	28	El Paso Natural Gas Co.	Permian.
Nov. 27, 1973	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	63	United Gas Pipe Line Co.	Texas Gulf Coast.
Do	do	67	do	Other Southwest.
Do	do	78	do	Texas Gulf Coast.
Do	do	86	do	Other Southwest.
Do	do	93	do	Texas Gulf Coast.
Do	do	94	do	Do.
Do	do	206	do	Other Southwest.
Do	do	215	do	South Louisiana.
Do	do	216	do	Do.
Do	do	218	do	Do.
Do	do	228	do	Do.
Do	do	229	do	Do.
Do	do	234	do	Do.
Do	do	236	do	Texas Gulf Coast.
Do	do	238	do	Do.
Do	do	239	do	South Louisiana.
Do	do	245	do	Texas Gulf Coast.
Do	do	291	do	Other Southwest.
Nov. 28, 1973	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	49	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	57	do	Do.
Nov. 29, 1973	do	17	Northern Natural Gas Co.	Permian.
Do	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	12	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	98	do	Do.
Do	do	379	do	Do.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	362	do	Do.
Nov. 30, 1973	CRA, International, Inc., P.O. Box 2329, Tulsa, Okla. 74101.	3	Texas Eastern Transmission Corp.	Do.
Do	Champlin Petroleum Co., P.O. Box 9365, Fort Worth, Tex. 76107.	1	Columbia Gas Corp.	Do.

[FR Doc.74-92 Filed 1-3-74;8:45 am]

[Docket Nos. CI73-917, CI73-941, CI73-942, CI73-943]

WEVA OIL CORP.

Notice of Extension of Time and Postponement of Hearing

DECEMBER 21, 1973.

On December 19, 1973, Weva Oil Corporation requested an extension of the procedural dates fixed by order issued December 10, 1973, in the above-designated matter. The request states that neither Consolidated Gas Supply Corporation nor Staff Counsel have any objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct case by Weva Oil Corporation, January 9, 1974.

Hearing, January 23, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-248 Filed 1-3-74;8:45 am]

[Docket Nos. RI74-88, RI74-89]

GULF OIL CORP., ET AL.

Order Providing for Hearing On and Suspension of Proposed Changes in Rates, and Allowing Rate Changes to Become Effective Subject to Refund [1]

DECEMBER 14, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto [18 CFR, Chapter I], and the Commission's Rules of Practice and Procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket numbers
RI74-88	Gulf Oil Corp	149	9	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah and Flodine Park Field, Montezuma County, Colo.) (Rocky Mountain area).	[1] $1,706	11-16-73		[10]	[1] 23.23	[1] [3] [7] 28.9161	
	do	38	10	El Paso Natural Gas Co. (acreage in San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain area).	[2] 241 [3]	11-17-73 11-19-73		[10] 6-1-74	[2] 22.0 28.0	[2] [3] 28.8872 [5] [6] 28.5	
	do	47	13		[8]	11-19-73		6-1-74	28.0	[5] [6] 28.5	
	do	190	15		[8]	11-19-73		6-1-74	28.0	[5] [6] 28.5	
	do	202	11		[8]	11-19-73		6-1-74	28.0	[5] [6] 28.5	
	do	351	15		[8]	11-19-73		6-1-74	28.0	[5] [6] 28.5	
	do	174	11	El Paso Natural Gas Co. (Dry Piney Field, Sublette County, Wyo.) (Rocky Mountain area).	1,913	11-19-73		6-1-74	[3] [4] [9] 31.8837	[3] [4] [9] 33.0646	
RI74-89	Marathon Oil Co	24	13	El Paso Natural Gas Co. (San Juan area, San Juan County, N. Mex.) (Rocky Mountain area).	[8]	11-23-73		6-1-74	[5] 28.0	[5] 28.5	
	do	96	9		[8]	11-23-73		6-1-74	[5] 28.0	[5] 28.5	
	do	25	16	El Paso Natural Gas Co. (San Juan Basin, Rio Arriba County, N. Mex.) (Rocky Mountain area).	448	11-23-73		6-1-74	[5] 28.0	[5] 28.5	
	do	55	12	El Paso Natural Gas Co. (San Juan Basin area, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain area).	1,204	11-23-73		6-1-74	[5] 28.0	[5] 28.5	

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Utah sales.
[2] Colorado sales.
[3] Inclusive of upward Btu adjustment from a base of 1000 Btu.
[4] Inclusive of tax reimbursement.
[5] Subject to a proportional Btu adjustment upward and downward from 1000 Btu per cubic foot.
[6] Applicable only to gas produced from wells completed on and after June 1, 1970.
[7] Base rate is 24.4807 cents per Mcf.
[8] No current sales.
[9] Rate includes 1.0 cent for high pressure gas.
[10] The proposed rate increase is accepted as of Dec. 17, 1973 insofar as it does not exceed the Opinion No. 658 ceiling and is suspended until May 17, 1974 insofar as it exceeds the Opinion No. 658 ceiling rate.

The proposed rate increases of Gulf Oil Corporation under its Rate Schedule are accepted as of December 17, 1973, insofar as they do not exceed the applicable ceiling under Opinion No. 658 and are suspended until May 17, 1974, insofar as they exceed the ceiling established in Opinion No. 658.

The remaining proposed increases of Gulf and Marathon Oil exceed the applicable ceiling rate in Opinion No. 658 and are suspended for five months from the contractual effective date.

[FR Doc.74-7 Filed 1-3-74;8:45 am]

[Docket No. CP74-124]

PACIFIC GAS TRANSMISSION CO.

Notice of Petition To Amend; Correction

DECEMBER 12, 1973.

In the notice of petition to amend, issued October 23, 1973 and published in the FEDERAL REGISTER October 30, 1973, 38 FR 29920. Page 29920, Heading: Change "Docket Nos. CP69-346 and CP69-347", to read "CP74-124" and pages 29920 and 29921, lines 4 and 5 change "Docket Nos. CP69-346 and CP69-347" to read "CP74-124".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8 Filed 1-3-74;8:45 am]

[Docket No. G-3195, etc.]

T. M. HOPKINS ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

DECEMBER 13, 1973.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before January 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3195 E 11-16-73	T. M. Hopkins (successor to W. A. Hewell *et al.*), P.O. Box 1251, Kilgore, Tex. 75662.	Arkansas Louisiana Gas Co., Carthage Field, Panola County, Tex.	13.6452	14.65
G-3576 E 11-16-73	T. M. Hopkins (successor to W. A. Hewell *et al.*).	do	13.6452	14.65
G-5716 D 12-3-73	Northern Natural Gas Producing Co., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Northern Natural Gas Co., Hugoton Field, Stevens County *et al.*, Kans.	(1)	
G-11861 D 11-30-73	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	(2)	
CI60-328 D 12-4-73	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	El Paso Natural Gas Co., acreage in Beaver County, Okla.	(3)	
CI62-1331 C 12-3-73	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northern Natural Gas Co., Hunt-Baggett area, Crockett County, Tex.	37.0 [4]	14.65
CI64-836 D 12-4-73	The Superior Oil Co	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	(5)	
CI70-652 B 11-26-73 [6]	Petroleum, Inc. (Operator) *et al.*, 300 West Douglas, Wichita, Kans. 67202.	Transwestern Pipeline Co., acreage in Beaver County, Okla.	Depleted	
CI74-326 A 11-23-73	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	El Paso Natural Gas Co., Geraldine Ford area, Reeves County, Tex.	35.0 [7]	14.65
CI74-328 B 11-23-73 [8]	Fourway Oil Co., P.O. Drawer 2185, Longview, Tex. 75601.	Atlantic Richfield Co., Abell Field, Pecos County, Tex.	Contract terminated.	
CI74-330 (CS71-637) B 11-23-73	Prudential Drilling Co., 5051 Westheimer, Houston, Tex. 77027.	Trunkline Gas Co., Goodwin Field, Newton County, Tex.	Depleted	
CI74-333 A 12-3-73	The California Company, a Division of Chevron Oil Co., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co. of America, Block 9 Field, South Marsh Island area, offshore Louisiana.	45.0 [9]	15.025
CI74-334 A 12-3-73	The California Company, a Division of Chevron Oil Co.	Southern Natural Gas Co., Unknown Pass Field, Orleans Parish, La.	30.875 [10]	15.025
CI74-335 (G-11823) B 11-19-73	Marathon Oil Co. (Operator) et al., 539 S. Main St., Findlay, Ohio 45840.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Depleted	
CI74-336 (CS71-637) B 11-23-73	Prudential Drilling Co	Texas Eastern Transmission Corp., Hankamer Ranch Field, Newton County, Tex.	do	
CI74-338 (CI73-288) B 11-19-73	Mountain Petroleum Ltd. (1972), 712 Denver Center Bldg., Denver, Colo. 80203.	Kansas-Nebraska Natural Gas Co., Inc., No. 1 State Well, Logan County, Colo.	Nonproductive	

[1] Acreage assigned to Petroleum, Inc.
[2] Acreage assigned to Clarke Corp.
[3] Acreage assigned to Amoco Production Co.
[4] Subject to downward Btu adjustment.
[5] Acreage assigned to LVO Corp.
[6] Applicant has pending an application for a certificate in this docket.
[7] Subject to upward and downward Btu adjustment; estimated upward adjustment is 4.725 cents per Mcf.
[8] Abandonment of sale made under percentage of proceeds contract.
[9] Applicant is willing to accept a certificate at an initial rate of 26.0 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 45.0 cents per Mcf, subject to upward and downward Btu adjustment.
[10] Applicant is willing to accept a certificate at an initial rate of 26.875 cents per Mcf, subject to upward and downward Btu adjustment; however, the contract price is 30.875 cents per Mcf, subject to upward and downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-6 Filed 1-3-74;8:45 am]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Notice of Executed Service Agreement and New Tariff Sheets

DECEMBER 18, 1973.

Take notice that Chattanooga Gas Company (Chattanooga), on November 26, 1973, tendered for filing FPC Gas Tariffs, Original Volume Nos. 1 and 2 and executed Service Agreement.

Chattanooga proposes that Original Volume No. 1 of the FPC Gas Tariffs be made effective as of November 1, 1973, corresponding to the date of the Commission's temporary certificate authorization by letter order issued in Docket No. CP73-329. Chattanooga also proposes that Original Volume No. 2 of the FPC Gas Tariff be made effective as of November 12, 1973, corresponding to the date of the agreement between Chattanooga Gas and East Tennessee.

Chattanooga requests waiver of the notice requirements to establish the respective effective dates and permission under § 154.52 of the Regulations for an exception of the form and composition of the tariff so as to file the contract for storage service as its Rate Schedule X-1 in Chattanooga Gas Company FPC Gas Tariff, Original Volume No. 2.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-299 Filed 1-3-74;8:45 am]

[Docket No. CP74-155]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 26, 1973.

Take notice that on November 26, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain compressor facilities located on Applicant's Southern Division System in Borden County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon by removal and salvage its Vealmoor II Compressor Station consisting of a 2,710 horsepower compressor unit and related facilities located on its Snyder pipeline in Borden County. The application states that said compressor station was authorized by order issued in Docket No. CP71-72 (45 FPC 477) to allow Applicant to reinforce its existing Snyder pipeline transmission facilities for use in transporting anticipated additional volumes of residue gas from plants in the Kelly-Snyder field area of West Texas. Applicant states that due to a variety of reasons residue gas volumes have not achieved the projected levels and that there has been in fact a substantial reduction in the volumes of residue gas available to Applicant in said area. Applicant states further that as a result of this reduction in supplies it no longer requires the use of the above described compressor facilities.

The application states that the abandonment of the Vealmoor II Compressor station will not reduce Applicant's capability to transport those quantities of residue gas currently available. Applicant states that the proposed abandonment will eliminate the expense to Applicant of maintaining unnecessary facilities while making such compressor

[1] By order issued in Docket No. CP72-113 (49 FPC——) the Commission extended the time within which Applicant could construct and operate up to 50,000 compression brake horsepower power in the greater Permian Basin supply area for the purpose of offsetting declining reservoir pressure through the calendar year 1973. Petition to further amend was filed in said docket November 8, 1973, requesting a further extension of time for completion through the calendar year 1974. Applicant also has pending in Docket No. CP74-69, a budget-type application seeking authorization covering, *inter alia*, installation of pressure decline compressor horsepower.

facilities available at Applicant's Puckett Plant in Pecos County, Texas for use in reservoir pressure decline operations.[1]

Applicant estimates the total cost of abandonment of the facilities proposed herein to be $20,050, including fees.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on is own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-306 Filed 1-3-74;8:45 am]

[Docket No. CP73-66]

JUPITER CORP.

Notice of Application

DECEMBER 26, 1973.

Take notice that on August 23, 1972, The Jupiter Corporation (Applicant), 10 South La Salle Street, Suite 990, Chicago, Illinois 60603, filed in Docket No. CP73-66 an application pursuant to Section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of a sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from the Government Wells Area of Duval County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that heretofore it has been selling gas from the Government Wells Area to Tennessee under a certificate authorization granted to Ralph E. Fair. Applicant states that inasmuch as Ralph E. Fair and his successor, the Fair Operating Account, are now holders of small producer certificates of public convenience and necessity in Docket Nos. CS71-760 and CS71-759, respectively, and Applicant's interests in the subject wells exceed 12.5 percent, Applicant is filing this application for authorization to continue its sales of gas to Tennessee. Applicant proposes to sell such gas at a rate of 24.25 cents per Mcf at 14.7 psia, subject to downward Btu adjustment. Applicant indicates the gas will be delivered to Tennessee at the discharge side of the Ralph E. Fair, Inc., dehydration plant for the Government Wells Area.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-303 Filed 1-3-74;8:45 am]

[Docket No. CI74-341]

FOREST OIL CORP.

Notice of Application

DECEMBER 26, 1973.

Take notice that on December 6, 1973, Forest Oil Corporation (Applicant), 1300 National Bank of Commerce Building, San Antonio, Texas 78205, filed in Docket No. CI74-341 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to Columbia Gas Transmission Corporation from Blocks 256 and 267, Vermilion Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 186,000 Mcf of gas per month for one year at 45.0 cents per Mcf at 15.025 psia within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing there in must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-304 Filed 1-3-74;8:48 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

DECEMBER 26, 1973.

Take notice that on November 28, 1973, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and compression facilities to enable Applicant to meet

the increased peak day requirements of its existing distribution customers by approximately 120,000 Mcf of natural gas per day commencing September 1, 1974, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has been unable to attach sufficient new gas reserves to its system to permit an annual gas supply increase for its customers for the 1974–75 contract year. Applicant states, however, that its customers will be able to upgrade the end-use of the annual gas which is available to them by changing their patterns of purchase under Applicant's various rate schedules. This will enable the customers to husband their available annual gas supply by converting more gas to meet the growth in their firm peak day requirements without any increase in annual supply.

The application states that Applicant's distribution customers for the contract year commencing September 1, 1974, have nominated for an increased peak-day quantity of natural gas, an increase from the existing Maximum Daily Quantity of 3,656,309 Mcf to a proposed 3,774,628 Mcf.

To meet these increased peak day requirements and to make additional peak day gas available to its markets in Wisconsin, where the major portion of the increased requirements lie, Applicant states that it has amended its existing gas exchange agreement with Great Lakes Gas Transmission Company (Great Lakes) to provide for the exchange of increased volumes of gas from Great Lakes during the winter months. Great Lakes will increase the volume of gas delivered to Michigan Wisconsin at the existing point of interconnection at Crystal Falls in the Upper Peninsula of Michigan, and Applicant will increase its deliveries from its storage field area to Great Lakes at the existing point of interconnection at Farwell in the Lower Peninsula of Michigan.

Applicant states that it does not have sufficient peak-day capacity on its existing transmission systems to transport these additional peak-day volumes of gas. Applicant plans to meet these increased requirements through the continued development of existing underground storage areas and the construction and operation of a 59-mile 30-inch Upper Wisconsin Pipeline Extension of the existing Upper Wisconsin Pipeline from its present terminus on the Green Bay Lateral to the Kewaskum Compressor Station and a 4,000 horsepower compressor station near Florence, Wisconsin, for use in boosting the pressure on the pipeline extension. The application states these facilities are required to transport the increased exchange volumes and that such an exchange is advantageous to both companies as it conserves fuel usage and minimizes the cross-haul of gas on both pipelines.

Applicant states further that its entire main line transmission system is comprised of two 30-inch pipelines and at points a third 36-inch pipeline, with the exception of 19.9 miles of a single 30-inch pipeline between Applicant's Defiance and Compressor Station and its Willow Run Measuring Station. Applicant states that since its Willow Run Metering Station is its largest delivery point, Applicant proposes to close this unlooped section by the construction of 19.9 miles of 30-inch pipeline to provide increased assurance of continuity of service of gas for distribution to the metropolitan Detroit area. Applicant states that the estimated cost of the facilities proposed herein is $19,240,410 which cost will be financed with treasury funds, retained earnings and other internally generated funds, together with borrowings from banks under short term lines of credit as required.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-307 Filed 1-3-74;8:45 am]

[Docket Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO.

Order Granting Rehearing and Setting Immediate Hearing

DECEMBER 21, 1973.

On November 23, 1973, El Paso Natural Gas Company filed a petition for rehearing and motion for immediate hearing in the above styled dockets. On October 24, 1973, El Paso filed a tariff amendment which would permit it to flow through to its customers increased overriding royalty payments associated with company owned production while El Paso's liability therefor is being litigated. The Commission rejected the filing as being premature in that liability has not been finally established and as being inconsistent with our regulations. El Paso argues that the effect of our October 24, 1973 order rejecting its filing "creates a problem of regulatory lag which may deny El Paso and its customers the opportunity to pursue their rights and to support a matter having enormous consequence to the gas consuming public." El Paso indicates that final court resolution of its liability under these overriding royalty provisions may require three to five years delay after which time El Paso may be found to be liable for past due payments approaching $100,000,000.

Upon reconsideration we deem it appropriate to set for immediate hearing the question of whether the provisions of § 154.38(d)(3) and § 154.63(b)(3) of the Commission's Regulations should be waived under these unusual circumstances. Our evaluation of the propriety of the proposed tariff sheets in this proceeding should also include customer evidence on the impact of immediate rate increases, subject to refund, of about $17 million per year and on the impact of approximately $100 million in three to five years should El Paso not prevail in its court litigation.

We shall therefore provide for a hearing in which El Paso may present evidence supporting its request for waiver of § 154.38(d)(3) as well as upon the merits of the tariff amendments as proposed, and other parties may present answering evidence thereto.

The Commission orders:

(A) The direct case of El Paso shall be filed and served on all parties on or before January 11, 1974. Answering testimony shall be filed and served on all parties on or before February 1, 1974.

(B) A formal hearing shall be convened in this proceeding in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., on February 12, 1974, at 10:00 a.m. (e.s.t.). The Chief Administrative Law Judge will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-305 Filed 1-3-74;8:45 am]

TEXAS EASTERN TRANSMISSION CORP.

[Docket No. RP74-39-1]

Order Granting Temporary Emergency Relief

DECEMBER 26, 1973.

On November 9, 1973, the City of Cairo, Illinois (Cairo) filed a petition for emergency relief pursuant to § 1.7 of the Commission's Rules of Practice and

Procedure. Cairo requests that the Commission order Texas Eastern Transmission Corporation (Texas Eastern) to sell Cairo volumes of gas in excess of Cairo's maximum daily contract quantity without levying upon Cairo overrun penalties.

Cairo, which is solely supplied by Texas Eastern, purchases under Texas Eastern's SGS and WS Rate Schedules and has a total daily contract demand of 5,300 Mcf. Cairo states that this contract demand is not sufficient to meet its priority 1 needs on peak days. Cairo has overrun its daily contract demand on numerous occasions during the past three winters. A provision in Texas Eastern's tariff provided for a waiver of penalties for gas taken in excess of contract demand. In view of this provision, Cairo has been able to meet its peak day requirements without incurring penalties.

Pursuant to an agreement reached among the parties in settlement negotiations in Texas Eastern's rate case in Docket No. RP72-98, the above provision was eliminated as of November 1, 1973. This gives Cairo a choice of either curtailing priority 1 customers or of paying penalty charges of up to $10.00 per Mcf which it alleges would bankrupt its system. Therefore, Cairo requests relief to allow it to exceed its maximum daily quantity to the extent necessary to serve priority 1 loads without paying overrun penalties.

Under these circumstances, good cause has been shown to authorize and direct Texas Eastern to supply Cairo with volumes of gas sufficient to meet Cairo's priority one loads pending notice and hearing. Accordingly, we grant Cairo temporary extraordinary relief on the basis of its petition pending further order. Public notice of the petition was issued on December 3, 1973, with protests or petitions to intervene due December 12, 1973. If protests or interventions are filed, we will determine whether hearings are necessary, or if Cairo's petition can be adjudicated on the pleadings. If no protest or request for hearing is received, we may act on Cairo's petition under the abbreviated hearing procedure.

The Commission finds:

The grant of Cairo's petition filed November 9, 1973, as hereinafter ordered is in the public interest and is consistent with the purposes of the Natural Gas Act.

The Commission orders:

The petition of Cairo filed November 9, 1973, is hereby granted on a temporary basis pending further action by the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-301 Filed 1-3-74;8:45 am]

[Docket No. RP74-39-2]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Intervention, Providing for Hearing and Establishing Procedures

DECEMBER 26, 1973.

On November 2, 1973, the Town of Utica, Mississippi (Utica) filed a petition for emergency relief pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure. Utica requests that the Commission order Texas Eastern Transmission Corporation (Texas Eastern), Utica's sole supplier of natural gas, to increase Utica's annual quantity entitlement by 6,547 Mcf.

Utica is an SGS customer of Texas Eastern and has an annual entitlement of 57,800 Mcf under the current curtailment plan which is presently effective subject to refund. The annual entitlements of the SGS customers were determined for the purpose of an interim curtailment plan (September 1, 1972, through August 31, 1973) and have been included in Texas Eastern's present curtailment plan. The entitlements were based on actual purchases for 12 months ended March 31, 1972, adjusted upward by 15% to provide for a normal winter. Additional adjustments were made for some customers who claimed special circumstances.

Utica did not receive an adjustment and claims that its requested adjustment is no different than others that were made. Utica claims that it had made a commitment in 1970 to serve Kitchens Brothers Manufacturing Company, a priority 2 firm industrial, natural gas for use in three drying kilns to be used for drying hardwood. Due to construction delays, the kilns did not use their full requirements of 8,000 Mcf during the base period (12 months ended March 31, 1972). Only 1,453 Mcf was included in the base period leaving Utica with a claimed deficiency in its annual entitlement of 6,547 Mcf. Kitchens Brothers has been unable to secure a source of alternate fuel even if it were to convert its kilns. If the plant is forced to close, which event Utica claims will occur if the additional annual entitlement is not granted, 90 employees will lose their jobs and $650,000 in payrolls would be lost along with $700,000 in timber sales.

Utica states that it must know as soon as possible whether its petition will be granted and its annual entitlement adjusted to 64,347 Mcf since it must plan its annual sales based on its entitlement and will have to curtail Kitchens Brothers completely if it is to stay within its unadjusted annual entitlement.

Utica's petition was noticed on November 27, 1973, with a due date for interventions and protests of December 6, 1973. Only Indiana Gas Company, Inc. (Indiana) has intervened in opposition to Utica's petition. Indiana states that it does not object to the granting of relief on peak days when it is needed to serve priority 1 or "true" priority 2 customers; however, it objects to granting relief to an industrial customer who either has not installed alternate fuel facilities or is unable to obtain alternate fuel.

The Commission finds:

(1) Good cause exists to set the proceeding in Docket No. RP74-39-2 for formal hearing and to establish procedures for that hearing.

(2) The participation of Indiana may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 15, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning Utica's petition of November 2, 1973.

(B) On or before January 4, 1974, petitioner shall serve with the Commission and upon other parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing and shall prescribe relevant procedural matters not herein provided.

(D) Indiana is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *provided, however,* that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-302 Filed 1-3-74;8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO., ET AL.

Notice of Extension of Time

DECEMBER 17, 1973.

United Gas Pipe Line Co. v. Billy J. McCombs, R. James Stillings, d/b/a Gastill Company, David A. Onsguard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, and E. I. du Pont de Nemours & Company, Respondents.

On November 27, 1973, a show cause order was issued in the above-designated proceeding. On December 12, 1973, an order was issued denying motions to dismiss.

On December 10, 1973, a motion for discovery and extension of time was filed by Billy J. McCombs, et al.

Upon consideration, notice is hereby given that the time for filing testimony is deferred pending further order of the Commission. The hearing scheduled for January 10, 1974, is unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-300 Filed 1-3-74;8:48 am]

[Docket No. E-8509]

NORTHERN INDIANA PUBLIC SERVICE CO.

Notice of Revised Sheet to Service Tariff

DECEMBER 21, 1973.

Take notice that on November 21, 1973, the Northern Indiana Public Service Company (Northern Indiana) tendered for filing its First Revised Sheet No. 3-Map (Superseding Original Sheet No. 3) to its FPC Electric Service Tariff—First Revised Volume No. 1.

According to Northern Indiana, the map has been revised to include two new Rural Electric Membership Delivery Points which have previously been filed with this Commission. Northern Indiana states that the new points on the map are indicated as Point No. 62—Wolcottville Delivery Point of Lagrange County REMC, and Point No. 63—Four Seasons Delivery Point of Kankakee Valley REMC.

Northern Indiana further states that the revised sheet has been mailed to all interested parties and requests an effective date of December 20, 1973, for the revised sheet.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Secretary.

[FR Doc.74-398 Filed 1-3-74;8:45 am]

FEDERAL RESERVE SYSTEM

BOATMEN'S BANCSHARES, INC.

Order Approving Acquisition of Bank

Boatmen's Bancshares, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of Boatmen's National Bank of North St. Louis County, St. Louis County, Missouri ("Bank"), a proposed new bank.

Subject application was submitted to the Board on June 15, 1972. Notice of the application, affording opportunity for interested persons to submit comments and views, was duly given in accordance with § 3(b) of the Act; and the Board considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)). By Order of September 26, 1972, the Board approved subject application (37 F.R. 21013). On October 11, 1972, a bank located in Bank's proposed service area filed a Petition for Review of the Board's Order in the U.S. Court of Appeals for the District of Columbia Circuit (*Lewis & Clark State Bank* v. *Board of Governors of the Federal Reserve System*, No. 72-1955 D.C. Cir.).[1] The Court, on December 13, 1972, stayed the Board's Order, pending appeal, thereby enjoining consummation of the proposed acquisition. Thereafter, on July 31, 1973, the Court remanded the case, on motion of the Board, for further proceedings; and, on October 10, 1973, Petitioner advised the Board, in writing, of withdrawal of its opposition to the subject application.

In briefs and oral argument before the Court of Appeals on Petitioner's motion for a stay pending appeal, the Board maintained that it had considered, but rejected, Petitioner's argument that the proposed acquisition of Bank would violate Missouri's statute prohibiting branch banking. The Board continues of the view that its Order of September 26, 1972, reflects consideration and rejection of the branch banking arguments raised by Petitioner. Nevertheless, in view of the standards applicable to Petitioner's motion for a stay, which the Court granted, and since the case has been remanded, not dismissed, the Board considered it appropriate to supplement the record with additional evidence on the branch banking question and to consider further the issues raised by Petitioner. Accordingly, specific inquiries were addressed to Applicant designed to exhaust factual inquiry into the issues and Petitioner was offered full opportunity to comment on Applicant's responses thereto. Petitioner did not comment upon Applicant's responses; instead Petitioner advised the Board that it "wishes to withdraw its protest to the application of Boatmen's Bancshares to acquire Boatmen's National Bank of North St. Louis County."

The Board has considered the application and the facts of record, including all materials submitted by the parties to the Court of Appeals, and to the Board.

The facts of record reflect that, should Applicant consummate the proposed acquisition, Bank will be a separate corporation with its own capital stock and a loan limit based on such capital stock; that Bank and Applicant's lead bank, as national banks, would be subject to the same regulatory authorities; that Bank will be managed by its own officers; that Bank's board of directors will be generally separate and independent from the boards of Applicant and of Applicant's subsidiaries; and that Bank will maintain its own separate books of account, issue its own distinctive checks, and use its own stationery. Applicant represents that officers and employees of its other banking subsidiaries will not perform services directly for persons who are customers only of Bank, nor exercise management or supervision over any aspect of the business of Bank. Applicant represents further that it will purchase Bank's shares through use of its own capital resources. Moreover, the record supports the conclusion that Applicant is a "traditionally recognized bank holding company which, with its own capital, invests in or buys the stock of banks," *Whitney National Bank* v. *Bank of New Orleans*, 323 F.2d 290 (D.C. Cir. 1963), *rev'd on other grounds*, 379 U.S. 411 (1965) and that, upon consummation of the proposed acquisition, a unitary operation will not exist between Bank and any of Applicant's other banking subsidiaries.

Applicant, the sixth largest banking organization in Missouri, controls six banks, with aggregate deposits of $390 million, representing 2.9 per cent of total deposits in commercial banks in the State.[2] Applicant is the third largest banking organization within the St. Louis Banking Market,[3] controlling about 6.1 per cent of total market deposits. Bank's proposed service area is described in the Board's previous Order, and Applicant's banking subsidiaries are no closer to said service area now than they were on September 26, 1972. Moreover, since Bank is a proposed new bank, consummation of subject acquisition would eliminate no existing competition but would, in fact, enhance competition by creating an additional source of commercial banking services in North St. Louis County. Accordingly, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks and Bank were and continue to be satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community are likewise consistent with approval. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not

[1] Petitioner had opposed the application by protest to the Board within the time provided for public comment. Before the Board, Petitioner contended that the proposed acquisition would offend Missouri's statutory prohibition of branch banking. In the Court of Appeals, Petitioner contended that the Board had unlawfully failed to consider the branch banking issue.

[2] Data as of June 30, 1973. Thus, Applicant's standing among Missouri banking organizations has changed insubstantially since September 26, 1972.

[3] Approximated by the City of St. Louis, St. Louis County, portions of St. Charles County, and portions of Jefferson County in Missouri, and portions of Madison and St. Clair Counties in Illinois. The Board's previous Order in this case noted that Applicant ranked third with 6.8 per cent of total deposits in commercial banks in the St. Louis City and County area. As of June, 1973, Applicant was the third largest banking organization in the area defined by St. Louis and St. Louis County, with 7.1 per cent of all deposits in commercial banks in said area. Whatever the standard, Applicant's market standing has not materially changed since September 26, 1972.

be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Boatmen's National Bank of North St. Louis County, St. Louis County, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective December 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-109 Filed 1-3-74;8:45 am]

C.I.T. FINANCIAL CORP.

Proposed Acquisition of Fair Corporation

C.I.T. Financial Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission for its subsidiary, C.I.T. Financial Services, Inc. (California) to acquire substantially all of the assets of Fair Finance Company, Santa Barbara, California. Notice of the application was published on October 2, 1973, in the Santa Barbara News-Press, a newspaper circulated in Santa Barbara, California.

Applicant states that its subsidiary would engage in the activities of making consumer and commercial loans, purchasing retail installment sales contracts from dealers, otherwise extending credit, and acting as broker or agent in the sale of credit life, credit health and accident, and casualty insurance on collateral securing the subsidiary's extensions of credit to consumers. The sale of such insurance would be limited to consumers indebted to the subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in wirting and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 18, 1974.

Board of Governors of the Federal Reserve System, December 19, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-116 Filed 1-3-74;8:45 am]

CENTRAL BANCSHARES OF THE SOUTH, INC.

Order Approving Acquisition of Bank

Central Bancshares of the South, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The Sumiton Bank, Sumiton, Alabama ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls eight banks with aggregate deposits of about $717 million, representing approximately 10 percent of total commercial bank deposits in Alabama, and is the third largest banking organization in the State. (Banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions approved by the Board through November 30, 1973.) Acquisition of Bank (deposits of $4.3 million) would increase Applicant's share of State deposits by less than one percentage point.

Bank, the only bank in the town of Sumiton, ranks as the sixth largest of seven banking organizations in the relevant market area (approximated by Walker County, Alabama) with 5.5 percent of the market deposits. Applicant's closest banking subsidiary has a branch located 25 miles east of Bank, and there is no significant existing competition between the two institutions. Furthermore, it appears unlikely that any significant competition would develop in the future due to the distances separating the banking offices and the size of Bank. The Board concludes that consummation of the proposal would not have any adverse effects on existing or potential competition, nor on any competing bank.

The financial and managerial resources and prospects of Applicant and its subsidiary banks are satisfactory. Applicant has already supplied Bank with management assistance in order to alleviate previously existing managerial problems, and the continued managerial assistance which Bank will receive as a subsidiary of Applicant should strengthen Bank and enhance its financial resources and future prospects. Therefore, banking factors lend weight toward approval of the application. In view of the fact that affiliation with Applicant will enable Bank to meet the borrowing needs of its larger commercial customers, considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record,[1] the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 20, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-112 Filed 1-3-74;8:45 am]

COLORADO NATIONAL BANKSHARES, INC.

Acquisition of Bank

Colorado National Bankshares, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Golden State Bank, Golden, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1974.

Board of Governors of the Federal System, December 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-218 Filed 1-3-74;8:45 am]

[4] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governors Mitchell and Sheehan.

[1] Dissenting Statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Sheehan, Bucher and Holland. Voting against this action: Governor Brimmer. Absent and not voting: Chairman Burns.

COLORADO NATIONAL BANKSHARES, INC.

Acquisition of Bank

Colorado National Bankshares, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of First National Bank, Evergreen, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1974.

Board of Governors of the Federal Reserve System, December 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-110 Filed 1-3-74;8:45 am]

COMMERCE BANCSHARES, INC.

Acquisition of Bank

Commerce Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Linn Creek, Camdenton, Missouri; and Farmers and Merchants Bank, Bolivar, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1974.

Board of Governors of the Federal Reserve System, December 21, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-217 Filed 1-3-74;8:45 am]

DOMINION BANKSHARES CORP.

Order Denying Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to The Bank of Fincastle ("Bank"), Fincastle, Virginia. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fifth largest banking organization in Virginia, controls nine banks with aggregate deposits of approximately $840 million, representing 7.4 percent of the total deposits of commercial banks in the State.[1] Approval of this application would not significantly increase Applicant's share of Statewide deposits or change Applicant's ranking among Virginia banking organizations.

Bank ($5.6 million in deposits) is the ninth largest of 15 banks in the Roanoke banking market, which is approximated by the Roanoke SMSA, and controls .8 per cent of deposits in that market. Bank's main office and only branch are located in Botetourt County, which comprises the northeast part of the Roanoke SMSA. Although Applicant's acquisition of Bank would increase its share of market deposits by only .8 percentage points, this would aggravate the high level of deposit concentration in the market (the four largest banking organizations presently control over 85 percent of market deposits). Furthermore, Applicant's lead bank, First National Exchange Bank ("Exchange Bank") controls 43.6 per cent of total market deposits and is clearly the predominant banking organization in the Roanoke SMSA. The second and third largest banks in the market are less than one-half and one-third the size of Exchange Bank, controlling 18.6 per cent and 13.6 per cent of market deposits, respectively. Exchange Bank is restricted from branching into Botetourt County; however, Exchange Bank has 15 banking offices within 20 miles of Bank's branch, with the closest office being 4.7 miles from Bank's Daleville branch with no other banking office intervening. It appears that Exchange Bank derives a significant dollar volume of loans and deposits from Bank's primary service area. Although the loans and deposits derived from Bank's primary service area represent a relatively small percentage of Exchange Bank's total loans and deposits, they represent, respectively, approximately 110 and 87 per cent of the total loans and deposit dollar volume that Bank derives from its own primary service area. Further, Bank derives approximately 8 per cent of its deposits and 4 per cent of its loans from Exchange Bank's service area. Accordingly, on the basis of these and other facts of record, the Board concludes that significant existing competition would be eliminated upon consummation of this proposal.

The acquisition of Bank by a banking organization not presently represented in this part of the Roanoke SMSA banking market, without the percentage of deposits that Applicant controls in this market, could have a beneficial effect on competition in this area. The Board therefore finds that it is likely that the proposed acquisition would have significant adverse effects on the relevant banking market by increasing deposit concentration and removing a banking alternative therein, by eliminating existing competition, and by foreclosing the possibility that Bank could serve as a potential means of entry by other banking organizations not presently represented in the market. Accordingly, competitive considerations require denial of this application unless the anticompetitive effects of the proposal are outweighed by benefits to the public in meeting the convenience and needs of the communities to be served.

The financial and managerial resources of Applicant and its subsidiaries, and Bank, are satisfactory, and future prospects appear favorable. Thus, banking factors are consistent with approval but provide no significant support for such action. There is no evidence in the record to suggest that the banking needs of the communities to be served are not presently being met by existing financial institutions. Although Applicant proposes to assist Bank in expanding and improving its services, it appears that none of the proposed additions or improvements is of such import or benefit to the public that they would override the adverse effects this proposal would have on competition in the Roanoke area. It is the Board's judgment that consummation of the proposed acquisition would not be in the public interest and that the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[2] effective December 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-118 Filed 1-3-74;8:45 am]

EXCHANGE BANCORPORATION, INC.

Acquisition of Bank

Exchange Bancorporation, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 99.3 percent of the voting shares of The Exchange Bank of Westshore, Tampa, Florida, a proposed new bank. The factors that are considered in acting on the application

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through November 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governors Mitchell and Sheehan.

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-214 Filed 1-3-74;8:45 am]

FIRST AMTENN CORP.

Order Approving Acquisition of Bank

First Amtenn Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent (less directors' qualifying shares) of the voting shares of City National Bank of Memphis, Memphis, Tennessee ("Memphis Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those of, and evidence submitted by, The First American Bank, Memphis, Tennessee, and Memphis Bank and Trust Company, Memphis, Tennessee (hereinafter collectively referred to as "Protestants") in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls six banks with aggregate deposits of $890 million representing about 8.5 per cent of total deposits in commercial banks in Tennessee.[1] Acquisition of Memphis Bank by Applicant would not increase the concentration of banking resources in Tennessee since Memphis Bank is a *de novo* bank. Nor would consummation of the transaction have a substantially adverse effect on existing competition in the relevant banking market (approximated by Shelby County) since Applicant's closest banking subsidiary is more than 85 miles distant. Rather, acquisition of Memphis Bank by Applicant may enhance competition in Shelby County by enabling Applicant to provide increased competition for the two largest banks therein which together hold in excess of 75 per cent of deposits in the market. The Board considers the competitive effects of this proposal as consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as generally satisfactory and consistent with approval of the application. The financial and managerial resources and future prospects of Memphis Bank are also considered to be generally satisfactory. Considerations relating to the convenience and needs of the community to be served lend some weight for approval of the application since Memphis Bank will provide an alternative source of services for customers in Shelby County.

Protestants object to the approval of this application and allege that its effect would result in a violation of the Tennessee branching law which restricts a bank's branches to the county where the bank's principal office is located. Protestants assert that affiliation of Memphis Bank with Applicant would essentially result in a unitary operation between Memphis Bank and Applicant's lead bank, First American Bank of Nashville, Nashville, Tennessee ("Nashville Bank"). Protestants requested that the Board either (1) deny the application outright; or (2) hold a formal public hearing on the application; or (3) suspend processing of the application until such time as actions filed by Protestants against Applicant on this issue have been resolved in State and Federal courts. In view of the fact that the Comptroller of the Currency did not recommend disapproval of this application, no hearing on the application is required by the Act and Protestants were so notified. Further, upon examination of the record, it does not appear to the Board that there are any issues concerning the application on which a formal hearing would be useful.

Applicant has responded to Protestants' allegations with a showing that Memphis Bank will have a separate and independent board of directors, with no directors in common with Applicant or with Nashville Bank; and that it will have its own local officers, with no officer in common with either Applicant or Nashville Bank. Further, Memphis Bank will have its own capital, surplus and undivided profits accounts and its own statutory limit on indebtedness and liabilities without any reference to the limits of Nashville Bank or any other banking subsidiary of Applicant. Individual loan limits will apply to Memphis Bank based on its own capital structure without reference to the loan limits of Nashville Bank or any other banking subsidiary of Applicant. Nor will money deposited at Memphis Bank be credited to the account of a depositor at Nashville Bank or any other banking subsidiary of Applicant and, conversely, any money deposited at Nashville Bank or any other banking subsidiary of Applicant will not be credited to the account of a depositor at Memphis Bank. It further appears from Applicant's response that Memphis Bank's capital will not be furnished by Nashville Bank or any other banking subsidiary of Applicant either directly or indirectly, but will be provided from capital funds raised by Applicant in a public offering of December, 1972. Finally, Memphis Bank will have its own separate and distinct name, charter, and offices and will be subject to separate and distinct regulatory supervision. It is the Board's judgment that Memphis Bank will not be operated in a unitary fashion with Nashville Bank or any other banking subsidiary of Applicant.

Protestants have made an additional argument that, aside from branching considerations, § 45-443 of the Tennessee Code Annotated (1972 Supplement) bans an acquisition of a bank by a holding company in a county other than the county where the holding company's principal office is located. Their assertion is based on their reading of the words "subsidiary corporation", contained in § 45-443, T.C.A., as covering subsidiary corporations owned by bank holding companies. The definition of the phrase "subsidiary corporation" contained in § 45-103(14) T.C.A. indicates that this construction of § 45-443 T.C.A. is not tenable. A "subsidiary corporation" is defined by the former section as a corporation owned by a bank. Memphis Bank will be owned by Applicant which is not a bank, and, thus, the restrictions of § 45-443 T.C.A. on a "subsidiary corporation" are not applicable to this application.

It is the Board's judgment that the transaction would be in the public interest and that the application should be approved. Accordingly, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date and (c) Memphis Bank shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 21, 1973.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-114 Filed 1-3-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Lufkin National Bank, Lufkin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[1] All banking data are as of June 30, 1973, unless otherwise noted, and reflect holding company formations and acquisitions approved by the Board through November 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Bucher, and Holland. Absent and not voting: Governors Mitchell and Sheehan.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 21, 1974.

Board of Governors of the Federal Reserve System, December 20, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-111 Filed 1-3-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Exchange Bank, Houston, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc. 74-213 Filed 1-3-74; 8:45 am]

FIRST UNITED BANCORPORATION, INC.

Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 51 percent or more of the voting shares of Great Southwest National Bank, Arlington, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-215 Filed 1-3-74;8:45 am]

INTERMOUNTAIN BANKSHARES CO.

Formation of Bank Holding Company

Intermountain Bankshares Co., Charleston, West Virginia, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent or more of the voting shares (less directors' qualifying shares) of the successor by merger to Kanawha Banking and Trust Co., N.A., Charleston, West Virginia, and of the successor by merger to Community Bank and Trust Co., N.A., Fairmont, West Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-219 Filed 1-3-74;8:45 am]

NORTHERN STATES BANCORPORATION, INC.

Acquisition of Bank

Northern States Bancorporation, Inc., Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Grand Rapids Bank, National Association, Grand Rapids, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-216 Filed 1-3-74;8:45 am]

SOUTHERN NATIONAL CORP.

Proposed Acquisition of Marvin Greene Mortgage Corporation

Southern National Corporation, Lumberton, North Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Marvin Greene Mortgage Corporation, Charlotte, North Carolina. Notice of the application was published on September 22, 1973, in The Charlotte Observer, a newspaper circulated in Charlotte, North Carolina.

Applicant states that the proposed subsidiary would engage in the activities of origination, sale and servicing of residential and commercial mortgages. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their view on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than January 18, 1974.

Board of Governors of the Federal Reserve System, December 19, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-117 Filed 1-3-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Acquisition of Bank

United Missouri Bancshares, Inc., Kansas City, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the First National Bank of Milan, Milan, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-220 Filed 1-3-74;8:45 am]

WEST MICHIGAN FINANCIAL CORP.

Acquisition of Bank

West Michigan Financial Corp., Cadillac, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Evart, Evart, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 24, 1974.

Board of Governors of the Federal Reserve System, December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-221 Filed 1-3-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

COMMITTEE MANAGEMENT

Notice of Determination

The National Science Foundation, established by P.L. 81-507 as an independent agency of the Federal Government, utilizes advice and recommendations of advisory committees in carrying out its functions and activities.

The Federal Advisory Committee Act, P.L. 92-463, which became effective January 5, 1973, sets forth standards and procedures for the formation, use, conduct, management and accessibility to the public of committees established to advise and assist the Federal Government. Section 10 of the Act specifies that each advisory committee meeting shall be open to the public, except any advisory committee meeting which the President, or the head of the agency to which the committee reports, determines is concerned with matters listed in the Freedom of Information Act, section 552 (b) of Title 5, United States Code.

It is established Foundation policy in administering the Freedom of Information Act to make fullest possible disclosure of records to the public, limited only by obligations of confidentiality and administrative necessity. Consistent with this policy the Foundation opens to the public as many advisory committee meetings as possible.

However, Foundation advisory committees, while engaged in the review, discussion and evaluation of grant or contract proposals and projects, or in the evaluation of grantee and contractor performance should not be required to hold open meetings. The Foundation has historically assured the privacy of certain types of information submitted in confidence to the Foundation by prospective grantees and contractors in support of proposals and projects. This information may include such matters as details relating to the type or design of work to be performed, adequacy of the applicant's facilities, competence of the proposed grantee's or contractor's staff, proposed budget, commercial or financial information and other material which would not otherwise be disclosed. Such information is furnished to the Foundation with reliance that it will be treated on a privileged or confidential basis and not disclosed to the public. Opening to the public the deliberations of committees reviewing and evaluating these proposals and projects as part of the selection process for awards would obviously involve disclosure of this information.

Moreover, to operate most effectively, the review and evaluation process requires that members of committees considering such matters be free to engage in full and frank discussion and to provide unhampered advice and recommendations regarding the merits of specific scientific proposals and projects. If the process were not to continue on a confidential basis, potential grantees and contractors would not furnish information in such detail as is essential for complete and effective review. In addition, if the proceedings of these committees were open to public participation, the Foundation would be unable to secure open and candid advice of outside experts as to the awarding of grants, contracts, fellowships and other arrangements.

Pending grant and contract proposals, and detailed records of deliberations of the committees reviewing them are presently exempt from mandatory disclosure under the Freedom of Information Act (5 U.S.C. 552).

In the interest of meeting the Foundation's obligations of confidentiality of matters submitted as part of grant and contract proposals and encouraging candid expression of opinion concerning the merits of grant and contract proposals and the evaluation of grantee and contractor performance, so essential to the review process:

It is hereby determined in accordance with the provisions of section 10(d) of the Federal Advisory Committee Act:

(1) Advisory committee meetings devoted to consideration of grant and contract proposals and projects are concerned with matters listed in section 552 (b) of Title 5, United States Code; and

(2) The public interest requires that such matters not be disclosed so that the Foundation may continue to receive information and advice necessary to appropriate decisions with respect to grant and contract matters.

Therefore, meetings or portions thereof of all Foundation advisory committees devoted solely to review, discussion and evaluation of grant or contract proposals, and projects or performance by grantees and contractors shall not be open to the public.

Each such committee shall issue a report at least annually setting forth a summary of its activities and such related matters as would be informative to the public consistent with the policy of section 552(b) of Title 5, United States Code. The Foundation official having cognizance for each respective committee shall be responsible for the preparation of the committee report.

All other advisory committee meetings shall be open to the public unless the Director or his designee determines otherwise in accordance with section 10(d) of the Act.

Dated: December 17, 1973.

R. L. BISPLINGHOFF,
Acting Director.

[FR Doc.74-206 Filed 1-3-74;8:45 am]

POSTAL SERVICE

DOMESTIC AND INTERNATIONAL POSTAGE RATES AND FEES

Postponement of Increase

In the daily issue of the FEDERAL REGISTER of December 21, 1973 (38 FR 35056) the Postal Service announced its intention to place into effect (1) certain temporary changes in rates of domestic postage and fees for postal services and (2) certain changes in international postage rates and fees effective January 5, 1974, subject to Cost of Living Council procedures. On the basis of an order by the Cost of Living Council dated December 21, 1973, the Postal Service hereby postpones the effective date for both the domestic and international rate and fee changes until March 2, 1974, at which time those rate and fee changes announced by the Postal Service on December 21, 1973 (38 FR 35056) will become effective.

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-353 Filed 1-3-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1427]

COUNSELORS CAPITAL FUND INC.

Notice of Proposal to Terminate Registration

DECEMBER 21, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order upon its own motion that Counselors Capital Fund, Inc., c/o William F. Rinehart, Esquire, Macdonald, Halsted & Laybourne, 1200 Wilshire Boulevard, Los Angeles, California 90017 ("Fund"), registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company as defined in the Act.

Fund registered under the Act on September 12, 1966, by filing a Form N-8A Notification of Registration. On that

same date, Fund filed a Form N–8B–1 Registration Statement under the Act together with a Form S–5 Registration Statement under the Securities Act of 1933 ("1933 Act"), which 1933 Act Registration Statement was never declared effective.

The Commission's records indicate that Fund's organizers do not intend to proceed with the Fund. Fund has no assets or shareholders and has never sold, nor offered for sale, any of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion or upon application, finds a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–128 Filed 1–3–74;8:45 am]

[File No. 500–1]

PHOTO MAGNETIC SYSTEMS, INC.

Notice of Suspension of Trading

DECEMBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Photo Magnetic Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:45 a.m. (e.s.t.) on December 18, 1973 through midnight (e.s.t.) on December 27, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc. 74–229 Filed 1–3–74;8:45 am]

[File No. 500–1]

PETROLEUM DEVELOPMENT CORP.

Notice of Suspension of Trading

DECEMBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Petroleum Development Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:45 a.m. (e.s.t.) on December 18, 1973 through December 27, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–228 Filed 1–3–74;8:45 am]

[812–3547]

REYNOLDS SECURITIES, INC.

Notice of Filing of Application: Correction

On December 6, 1973[1] a notice was issued (Investment Company Act Release No. 8130) of an application for an order pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act") exempting Reynolds Securities, Inc., 120 Broadway, New York, New York 10005, and its co-underwriters from section 30(f) of the Act with respect to transactions in connection with the underwriting of a proposed public offering of Ben Franklin Income Securities, Inc., a diversified closed-end investment company registered under the Act. The notice incorrectly listed the application file number as 812–3457. The correct application file number is 812–3547.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–230 Filed 1–3–74;8:45 am]

[1] 38 FR 34770, December 18, 1973.

[File No. 500–1]

ROYAL PROPERTIES INCORPORATED

Notice of Suspension of Trading

DECEMBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from December 19, 1973 through December 28, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–231 Filed 1–3–74;8:45 am]

[File No. 500–1]

TELECHECK INTERNATIONAL INC.

Notice of Suspension of Trading

DECEMBER 18, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Telecheck International Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 11:45 a.m. on December 18, 1973 through December 27, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74–232 Filed 1–3–74;8:45 am]

[812–3544]

NATIONAL TAX-EXEMPT BOND TRUSTS INC.

Notice of Filing Application

DECEMBER 20, 1973.

Notice is hereby given that National Tax-Exempt Bond Trust, Series I, 235 Montgomery Street, San Francisco, California 94104: ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, Tax-Exempt Bond Trusts Incorporated ("Sponsor"), (hereinafter the Sponsor and the Fund are collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting the Fund (and subsequent series) from compliance with the provisions of section 14(a) of the Act and exempting frequency of the capital

gains distributions of the Fund and the secondary market operations of the Sponsor from the provisions of rule 19b–1 and rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

ORGANIZATION OF THE FUND

The exemptive order under section 6 (c) of the Act is requested for the Fund and subsequent national and state series sponsored or co-sponsored by the Sponsor (collectively, the "Series"). The Fund will be governed by a trust agreement (the "Trust Agreement") under which the Sponsor will act as such, Title Insurance and Trust Company will act as Trustee and Standard & Poor's Corporation will act as Evaluator. Pursuant to the Agreement, the Sponsor will deposit with the Trustee $10,000,000 principal amount of bonds (the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for 10,000 Units, which will represent the entire ownership of the Fund. These Units are in turn to be offered for sale by this Sponsor to dealers for resale to the public.

Applicants state that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited with the Trustee. All of the Bonds will be tax free municipal bonds. The Sponsor has been accumulating the Bonds for the purpose of deposit in the Fund and will follow a similar procedure of accumulating the bonds for each future Series.

The assets of the Fund will consist of the Bonds, such bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds upon certain refundings, accrued and undistributed interest and undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to the holders of Units of the Fund ("Certificateholders") and not reinvested. There is no provision in the Trust Agreement for the sale and reinvestment of the Bonds, and such activity has not and will not take place.

Each Unit of the Fund will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding. Units are redeemable, and in the event that any Units are redeemed, the fractional undivided interest represented by each Unit increased accordingly. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100% agreement of the Certificateholders, or, in the event that the value of the Bonds shall fall below an amount specified, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction, respectively. There is no provision in the Trust Agreement for the issuance of any units after the initial issuance and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act).

Following the deposit of Bonds by the Sponsor with the Trustee, and following the declaration of effectiveness of the Fund's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various States, the Sponsor will offer the Units of the Fund to dealers for resale to the public at the public offering price set forth in the Prospectus, plus accrued interest.

In the opinion of counsel, the Fund is not an association taxable as a corporation under the Internal Revenue Code of 1954, and interest on the Bonds which is exempt from Federal income tax under the Internal Revenue Code of 1954 when received by the Fund will retain its status as tax-exempt interest when distributed to the Certificateholders.

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Fund and to offer to purchase such Units at prices based on the most recent evaluation by the Evaluator, which prices will be based upon the mean between the aggregate offering and bid prices of the underlying Bonds.

The organization, operation and marketing of units of each subsequent Series will be substantially the same as with respect to the Fund, except that the principal amount of bonds deposited (and therefore the number of units issued), the trustee, evaluator and the respective fees thereof, will or may vary; there may be depositors in addition to the Sponsor; and the offerings may be effected through an underwriting group.

EXEMPTIONS REQUESTED PURSUANT TO SECTION 6(C) OF THE ACT

SECTION 14(A)

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) in order that they may make a public offering of Units of the Fund and subsequent Series as described above. In connection with the requested exemption from section 14(a), the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of units of a Series, if within 90 days after the registration of a Series under the Securities Act of 1933 becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Series that if the Series shall at any time have a net worth of less than 20% of the principal amount of bonds originally deposited, as a result of redemption of units of the Series constituting a part of the unsold units acquired by the depositor(s) (or if there is an underwriting account, by the underwriting account), the trustee shall terminate the Series in the manner provided in the governing trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the trust agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units of any Series purchased from the Sponsor or any dealer participating in the underwriting on demand and without any deduction.

RULE 19B–1

Rule 19b–1 under the Act provides in substance that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year.

Applicants propose to make distributions of principal and interest to Certificateholders of a Series semi-annually. Distributions of principal constituting capital gains to Certificateholders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Series will be distributed to Certificateholders on the next distribution date; and (2) if units are redeemed and bonds from the portfolio are sold to provide the funds necessary for such redemption each Certificateholder will receive his pro rata portion of the proceeds from the bonds sold. In such instances, a Certificateholder may receive in his distribution funds which constitute capital gains since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

Paragraph (b) of rule 19b–1 provides that a unit investment trust may distribute capital gain dividends received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose behind such provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end. Applicants further allege that their situation places them squarely within the purpose of such provision. However, in order to comply with the literal requirements of the Rule, a Series would be forced to hold any monies which would constitute capital gains upon distribution until the end of its taxable year. Applicants contend that such a practice would clearly be to the detriment of the Certificateholders.

In support of the requested exemption, the application states that the dangers against which rule 19b–1 is intended to guard do not exist in Applicants' situation since they have no control over

events which might trigger capital gains, i.e., the tendering of Units for redemption and the prepayment of portfolio bonds by the issuing authorities: In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to Certificateholders as a return of principal.

RULE 22C–1

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants seek an order exempting the secondary market operations of the Sponsor from the provisions of rule 22c–1 under the Act. Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of a Series, and that the public Certificateholders will benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the application states that Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsor will order a full evaluation. Sponsor has agreed that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the previous Friday's offering side evaluation is not more than one-half point ($5.00 on a unit representing $1,000.00 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provision of the Act.

Notice is further given that any interested person may, not later than January 9, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–126 Filed 1–3–74;8:45 am]

[File No. 3–4411]

STANDARD OIL CO.

Notice of Application and Opportunity for Hearing

Notice is hereby given that Standard Oil Co. (an Indiana Corporation) (the Company) has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (hereinafter referred to as the Act) for a finding by the Commission that the trusteeship of The Chase Manhattan Bank (National Association) ("Chase") under an indenture of the Company dated September 15, 1966 ("1966 Indenture") which was heretofore qualified under the Act, and trusteeship by Chase under a New Indenture dated as of December 2, 1973 (the New Indenture) which was not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as Trustee under the 1966 Indenture and under the New Indenture.

Section 310(b) of the Act, which is included in § 7.08 of the 1966 Indenture, provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities, or certificates of interest or participation in any other securities of the same issuer are outstanding.

The present application, filed pursuant to clause (ii) of section 310(b)(1) of the Act (as set forth in § 7.08 of the 1966 Indenture), seeks to exclude the New Indenture from the operation of section 310(b)(1) of the Act.

The effect of the proviso contained in clause (ii) of section 310(b)(1) of the Act on the matter of the present application is such that the New Indenture may be excluded from the operation of section 310(b)(1) of the Act (as set forth in § 7.08 of the 1966 Indenture) if the Company shall have sustained the burden of proving by this application to the Commission and after opportunity for hearing thereon that the trusteeship of Chase under the 1966 Indenture and under the New Indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Chase from acting as trustee under one of these Indentures.

The Company alleges that: (1) It has outstanding $156,625,000 principal amount 6 percent Debentures due September 15, 1991 issued under the 1966 Indenture. The Debentures issued pursuant to the 1966 Indenture were registered under the Securities Act of 1933 (File No. 2–25414) and the 1966 Indenture was qualified under the Trust Indenture Act of 1939;

Chase is trustee under the 1966 Indenture; (2) It proposes to issue and sell $35,000,000 principal amount of Debentures due December 1, 1988 to be issued under the New Indenture. Chase is trustee under the New Indenture. The New Debentures will not be offered or sold in the United States of America or its territories or possessions, or to nationals or residents thereof and will not be sold to residents of the Dominion of Canada. The issuance of the Debentures under the New Indenture is therefore exempt from the registration requirements of the Securities Act of 1933 and the New Indenture is exempt from the qualification provisions of the Trust Indenture Act of 1939;

(3) The 1966 Indenture and the New Indenture are wholly unsecured and no Debentures issued under any of these indentures are subordinate to any Debenture issued under any of these indentures. Except for variations as to amounts and interest rates, maturity dates, places and dates of payment of principal and interest, redemption procedures, redemption dates and redemption prices, there are no material variations between the Indentures except that

(a) the Debentures issued under the New Indenture are issued in bearer form with coupons attached in the denomination of $1,000 and are transferable by delivery and the Debentures issued under the 1966 Indenture were issued in fully registered form in denominations of $1,000 and integral multiples thereof;

(b) additional interest will be paid in respect of the Debentures issued under the New Indenture, under certain circumstances, in the event of withholding

for or on account of United States income taxes; and

(c) certain provisions required by the Act are not contained in the New Indenture;

(4) It is not in default under the 1966 Indenture;

(5) Neither the differences indicated above, nor any other provisions of the aforementioned indentures are likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any of the Debentureholders to disqualify The Chase Manhattan Bank (National Association) from acting as Trustee under any of the aforementioned indentures.

Standard Oil hereby waives notice of hearing and waives hearing in connection with this application and also waives any and all rights to specify procedures under the Rules of Practice of the Commission with respect to this application.

(1) For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Streets, NW., Washington, D.C. 20549.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after January 7, 1974 unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939. Any interested person may, not later than January 4, 1974, at 5:30 p.m., d.s.t., in writing, submit to the Commission, his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-288 Filed 1-3-74;8:45 am]

[70-5434]

UTAH POWER AND LIGHT CO.

Proposed (1) Acquisition of Pollution Control Facilities; (2) Lease of Facilities; (3) Sublease of Facilities; and (4) Issuance of First Mortgage Bonds

DECEMBER 20, 1973.

Notice is hereby given, that Utah Power & Light Company, 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110 ("Utah"), an electric utility company and a registered holding company, has filed a declaration with this Commission designating sections 6(a), 7, and 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and rule 44(b)(3) promulgated thereunder as applicable to the proposed transactions. Utah requests exception from the competitive bidding requirements of rule 50 under the Act.

Utah states that to comply with federal and state pollution control statutes, it is necessary for Utah to construct certain air and water pollution control facilities at its following steam electric generating units: (i) Huntington Unit No. 1, presently under construction in Emery County, Utah ("Huntington Unit"); (ii) Carbon Units Nos. 1 and 2, presently in operation in Carbon County, Utah ("Carbon Units"), and (iii) Naughton Units Nos. 1 and 2, presently in operation in Lincoln County, Wyoming ("Naughton Units"). Utah proposes to acquire, improve, and equip the facilities with financing obtained from the proceeds of sale of pollution control revenue bonds ("revenue bonds") aggregating not more than $41,000,000 to be issued by the counties in which the facilities are located.

Utah proposes to enter into an Equipment Lease ("lease") with Emery County, Utah, pursuant to which the county will undertake to issue its revenue bonds in principal amount not to exceed $14,000,000 and also under which Utah will agree to acquire, improve and equip the facilities at the Huntington Unit, using the proceeds from the sale of the revenue bonds to finance the project.

Emery County will issue its revenue bonds under an indenture of trust providing that the revenue bonds will mature 30 years from issuance and will bear interest payable on a semi-annual basis. Proceeds from the sale of the revenue bonds will be deposited with a trustee ("trustee") into a bond fund ("bond fund") created under that indenture. The revenue bonds are not transferrable by the trustee except to a successor trustee. The lease will provide that Utah will lease the facilities to the county for a term equal to the last maturity of the revenue plus one day for a rental equal to the proceeds from the sale of the revenue bonds (except any accrued interest and premium). The lease will also provide for the payment of rentals in reimbursement of Utah's cost of acquiring the facilities out of the revenue bond proceeds deposited with the trustee. Should the funds be insufficient to pay all of the cost of acquisition of the facilities, the lease will require Utah to pay any additional cost.

Utah will also enter into a sublease with Emery County, Utah, pursuant to which the county will sublease the facilities back to Utah for a term equal to the last maturity of the revenue bonds and at a subrental which will be sufficient to pay the principal, interest and any premium on the revenue bonds as such payments become due. All subrentals will be assigned and paid directly to the trustee and will be deposited in the bond fund. For financial and accounting purposes, Utah's obligation under the sublease to pay the principal amount of the revenue bonds will be capitalized by Utah.

The sublease provides that Utah may prepay subrentals to effect redemption of some or all of the revenue bonds as follows: Utah may prepay subrentals (a) in whole or in part, at any time on or after ten years from the date of issuance of the bonds, and (b) in whole at the option of Utah, in certain other specified contingencies. Utah must prepay subrentals if because of changes in law, the sublease becomes void, unenforceable or impossible of performance. Prepaid rentals in the case of prepayment under (a) above will include applicable redemption premiums on the bonds as required by the indenture. Prepayment of rentals in other cases will not include such premium.

Utah states that it has been advised that the revenue bonds will enjoy a rating equivalent to the rating of Utah's First Mortgage Bonds if Utah pledges a new series of its First Mortgage Bonds ("pledged bonds") with the trustee in principal amount equal to the principal amount of the revenue bonds. The pledged bonds will be security for the payment of principal of and interest on the revenue bonds. Utah proposes to issue the pledged bonds pursuant to a Twenty-first Supplemental Indenture ("Supplemental Indenture") to its Mortgage and Deed of Trust dated as of December 1, 1943. Utah will also enter into a pledge agreement with the trustee, pursuant to which Utah will pledge the pledged bonds; the pledge agreement provides, among other things, that the pledged bonds will not be transferrable except to a successor trustee.

The Supplemental Indenture will provide that Utah will redeem the pledged bonds upon occurrence of an event of default under the indenture and upon the acceleration of principal amount of the revenue bonds then outstanding. The pledged bonds will have a 30 year maturity and will bear interest at the same rate as the revenue bonds, but Utah's obligations to make any principal and interest payments on the pledged bonds shall be satisfied to the extent that there shall be available funds in the bond fund under the indenture.

The pledge agreement further provides that upon deposit with or direction to the trustee by Utah of funds sufficient to pay or redeem all or any part of the revenue bonds, or upon delivery of outstanding revenue bonds to the trustee for Utah's account, the trustee will be obligated to surrender to Utah for cancellation pledged bonds in principal amount equal to the principal amount of revenue bonds for the payment of which such funds shall have been deposited or applied or which shall have been delivered.

Utah proposes to enter arrangements with Carbon County, Utah, and Lincoln County, Wyoming, substantially identical to those described between Utah and Emery County, Utah. The arrangements will provide that Carbon County, Utah will issue and sell its revenue bonds in principal amount not to exceed $11,000,-

000 and that Lincoln County, Wyoming will issue and sell its revenue bonds in principal amount not to exceed $16,000,000. It is contemplated that each county will make cash payments to mandatory cash sinking funds beginning in the 15th year the revenue bonds are outstanding. Between the 15th year and the final maturity of the bonds, sinking fund payments will be made in a total amount sufficient to cover 25% of the principal amount of revenue bonds outstanding.

It is stated that the rights of the counties under their respective leases and subleases are subordinate to the rights of the holders of Utah's First Mortgage Bonds.

Utah states that it is anticipated that each county will sell its revenue bonds pursuant to arrangements with a group of underwriters represented by Blyth Eastman Dillon & Co., Incorporated; Goldman, Sachs & Co. and Burrows, Smith, and Company. The interest rate to be borne by the bonds will be fixed by the Board of County Commissioners of the respective county. While Utah will not be a party to the underwriting arrangements for the revenue bonds, it is stated that the agreements between the underwriters and each county will not be entered into unless the terms of such bonds and their sale shall be satisfactory to Utah.

Utah states that it has been advised that issuance of the revenue bonds by the counties is contingent upon receipt of an opinion of counsel stating that the interest payable on the revenue bonds will be exempt from federal income taxation. Utah also states that it has been advised that the annual interest rates on obligations, interest on which is exempt from federal income taxation, historically have been, and can be expected at the time of issue of the revenue bonds to be, 1½% to 2½% lower than the rates of obligations of like tenor and comparable quality, interest on which is fully subject to federal income tax.

The fees and expenses in connection with the proposed letting and subletting of the pollution control facilities and issuance and pledge of the pledged bonds (excluding fees and expenses to be incurred by the sales of the revenue bonds by the counties payable out of the proceeds of such sales) are estimated to be $80,000, including legal fees of $40,000 and trustee fees of $14,500. It is stated that the Public Service Commission of Wyoming and the Idaho Public Utilities Commission have jurisdiction over the issuance of Utah's First Mortgage Bonds to be pledged in the proposed transaction and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 10, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as it may be amended, may be permitted to become effective as provided in rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-127 Filed 1-3-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

EQUI-TRONICS CAPITAL CORP.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the Regulations governing small business investment companies (38 FR 30836 November 7, 1973) for the transfer of control of the Equi-Tronics Capital Corp. (Equi-Tronics), 1492 High Ridge Road, Stamford, Connecticut 06963, a Federal licensee under the Small Business Investment Act of 1958, as amended (the Act), License No. 01/02-0118

Equi-Tronics was licensed on October 25, 1961. Its present combined paid-in capital and paid-in surplus is $187,500, with 18,750 shares issued and outstanding. This proposed transfer of control is subject to and contingent upon the approval of SBA.

Mr. Daniel J. Sullivan, c/o Page Hill Group, 2 Palo Alto Square, 3000 El Camino Real, Palo Alto, California 94304 is purchasing 76 percent of the issued and outstanding stock of the licensee, and has agreed to increase the private capital to $300,000 within six months after the date of approval by SBA.

The names and addresses of the new officers, directors and stockholders of the applicant are as follows:

Name	Title	Percent of ownership
Daniel J. Sullivan, c/o Page Mill Group, 2 Palo Alto Square, 3000 El Camino Real, Palo Alto, Calif. 94304.	President, treasurer, director.	76
James L. Kropf, c/o Page Mill Group, 2 Palo Alto Square, 3000 El Camino Real, Palo Alto, Calif. 94304.	Vice president/director.	
Edwin C. Nevis, 10 Mornington Lane, Cleveland, Ohio 44106.	Secretary/director.	
Daniel Cohen, c/o L. Cohen & Son, 500 Seventh Ave., New York, N.Y. 10018.		11
James Klau, c/o Rona Electric Co., P.O. Box 7774, Santurce, Puerto Rico.		13

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owner and management, and the probability of successful operations of Equi-Tronics under their management and control (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than 15 days from the date of publication of this Notice, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to:

Deputy Associate Administrator for Investment
1441 L Street, NW.
Washington, D.C. 20416

A copy of this notice shall be published by the transferee in a newspaper of general circulation in Stamford, Connecticut and Palo Alto, California.

Dated: December 20, 1973.

JAMES THOMAS PHELAN,
Acting Deputy Associate Administrator for Investment.

[FR Doc.74-210 Filed 1-3-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 416]

ASSIGNMENT OF HEARINGS

DECEMBER 28, 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 114211 Sub-Nos. 187 and 212, Warren Transport, Inc., now assigned January 9, 1974, at Washington, D.C., is cancelled and application dismissed.

MC 138144 Sub 2, Fred Olson Co., Inc., now being assigned hearing February 11, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 92692 Sub 6, Freeport Fast Freight, Inc., now assigned February 11, 1974, at Chicago, Illinois, is postponed indefinitely.

MC 115840 Sub 85, Colonial Fast Freight Lines, Inc., now assigned January 28, 1974, at Birmingham, Ala., is cancelled and application dismissed.

FFC–50, Sunshine State Shippers and Receivers Association, Inc., Harry De Montmollin, And Florida All State Consolidators, Inc., Jacksonville, Florida—Investigation of Operations—continued to February 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74–342 Filed 1–3–74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 28, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before January 21, 1974.

FSA No. 42786—*Sulphuric Acid from the Southwest to the South.* Filed by Southwestern Freight Bureau, Agent (No. B–454), for interested rail carriers. Rates on sulphuric acid, in tank-carloads, as described in the application, from Malloy, Arkansas, to stations in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, and Tennessee.

Grounds for relief—Rate relationship.

Tariff—Supplement 147 to Southwestern Freight Bureau, Agent, tariff 34, ICC 4923. Rates are published to become effective on January 22, 1974.

FSA No. 42787—*Edible Flour, Meal, or Grits to Gulf Ports.* Filed by Southwestern Freight Bureau, Agent (No. B–453), for interested rail carriers. Rates on edible flour, meal or grits, in carloads, as described in the application, from points in southwestern and western trunk-line territories (including East St. Louis, Ill.), to Gulf ports, Pensacola, Fla., to Corpus Christi, Tex. (for export).

Grounds for relief—Revision of commodity description.

Tariffs—Supplement 36 to The Atchison, Topeka and Santa Fe Railway Company tariff 5655–J, ICC 15193, and 8 other schedules named in the application. Rates are published to become effective on February 1, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74–345 Filed 1–3–74;8:45 am]

[Notice No. 177]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 21, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13134 (Sub-No. 36 TA), filed December 12, 1973. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Ohio State Route #93 North, Oak Hill, Ohio 45656. Applicant's representative: Joe Haydon (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Iron and steel articles,* from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Indiana, Ohio, and the Chicago, Ill., commercial zone, for 180 days. Supporting shipper: Bethlehem Steel Corporation, Bethlehem, Pa. 18016, Attention: W. A. Rouse, Manager, Rail and Truck Transportation. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 51146 (Sub-No. 345 TA), filed December 12, 1973. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, P.O. Box 2298 (Box zip 54306), Green Bay, Wis. 54304. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lignin liquor and lignin pitch,* other than in bulk, from Oconto Falls, Wis., to points in Minnesota, Iowa, Missouri, Illinois, Indiana, Ohio, Pennsylvania, and New York, for 180 days. Supporting shipper: Scott Paper Company, Scott Plaza I, Philadelphia, Pa. 19113 (Charles T. Hill, Jr., Staff Transportation Manager). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 108449 (Sub-No. 370 TA), filed December 11, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mylenbeck (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquefied natural gas,* in bulk, from Everett, Mass.; Roanoke, Va.; Reading, Pa.; and Chattanooga, Tenn., to McKee City, N.J., for 180 days. Supporting Shipper: South Jersey Gas Company, No. 1 South Jersey Plaza, Rte. 54, Folsom, N.J. 08037. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 110525 (Sub-No. 1081 TA), filed December 12, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *#4 Fuel oil,* in bulk, in tank vehicles, from Salem, Mass., to Syracuse, N.Y., for 180 days. Supporting shipper: Fleet Supplies, Inc., 869 E. 140th Street, Cleveland, Ohio 44110. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 110988 (Sub-No. 306 TA), filed December 12, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil DuJardin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt cake,* in bulk, in hopper-type vehicles, from Otsego, Mich., to points in Ohio and Wisconsin, for 180 days. Supporting shipper: Menasha Corporation, P.O. Box 367, Neenah, Wis. 54956. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 111045 (Sub-No. 110 TA), filed December 12, 1973. Applicant: REDWING CARRIERS, INC., 7809 Palm River Road, Post Office Box 426, Tampa, Fla. 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene sulfonylchloride,* in bulk, in tank vehicles, from Reserve, La., to LeMoyne, Ala., for 180 days. Supporting shipper: Stauffer Chemical Company, Westport, Conn.

06880. Send protests to: District Supervisor Joseph B. Teichert, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 111729 (Sub-No. 411 TA), filed December 12, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP–PO) N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blood, blood specimens, tissue specimens, biopsy specimens, biological cultures and specimens, urine specimens, and test tubes and containers therefor; business papers and records related thereto*, from points in Illinois on and south of U.S. Highway #136, to Clayton, Mo., for 90 days. Supporting shipper: International Clinical Laboratories of Mo., Inc., 141 North Meramac, Clayton, Mo. 63105. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 288 TA), filed December 12, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, between Lafayette, Ind., on the one hand, and, on the other, Danville, Rantoul, Champaign, and Georgetown, Ill., for 180 days. Supporting shipper: Mr. Louid H. Rock, Secretary-Treasurer, Lafayette Dental Laboratory, Inc., Box 620, 2211 South St., Lafayette, Ind. 47902. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114533 (Sub-No. 289 TA), filed December 12, 1973. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Ave., Chicago, Ill. 60632. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Kokomo, Ind., on the one hand, and, on the other, Indianapolis, Ind., and between Detroit, Mich., on the one hand, and, on the other, Grand Rapids and Lansing, Mich., and Toledo, Ohio, restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: Mr. Robert M. Hamilton, Director of Transportation, Continental Steel Corporation, 1109 S. Main St., Kokomo, Ind. 46901. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 115821 (Sub-No. 14 TA), filed December 12, 1973. Applicant: FRANK BEELMAN, doing business as BEELMAN TRUCK CO., St. Libory, Ill. 62282. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from Valmeyer, Ill., to Mt. Vernon, Ind., for 180 days. Supporting shippers: George A. Erath, General Traffic Manager, GAF Corporation, 32 Main Street, South Bound Brook, N.J. 08880, and H. Walter Scherzer, Vice President, Columbia Quarries Company, P.O. Box 1000, Dupo, Ill. 62239. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 123115 (Sub-No. 6 TA), filed December 11, 1973. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South Rock Blvd., Sparks, Nev. 89431. Applicant's representative: Ben Packer, (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Douglas County, Nev., to points in Jackson County, Oreg., for 180 days. Supporting shipper: Lakeside Lumber Co., Inc., P.O. Box 545, Gardnerville, Nev. 90410. Send protests to: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 203 Federal Bldg., 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 129016 (Sub-No. 5 TA), filed December 11, 1973. Applicant: JOH-LAR TRANSPORTATION, INC., 1608 E. 18th Street, P.O. Box 2097, Muncie, Ind. 47302. Applicant's representative: Leonard M. Jackson (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper boxes, finished, nonfinished, scrap paper, inks, wax roll stock, paints, and machinery* used in the production of paper products, between Muncie, Ind.; points in Michigan, Illinois, Ohio, Indiana, New Jersey, Kentucky, Pennsylvania, West Virginia, Alabama, Oklahoma, and Louisiana, for 180 days. Supporting shipper: Corrugated Container Corp., Division of Corco, Ind., 2001 South Macedonia Ave., Muncie, Ind. 47305. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Ft. Wayne, Ind. 46802.

NOTE.—Applicant intends to tack with MC 129016.

No. MC 134182 (Sub-No. 14 TA), filed December 12, 1973. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, P.O. Box 505, Lawrence, Kans. 66044. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), from the packinghouse facilities of Seitz Foods, Incorporated, at or near St. Joseph, Mo., to East Hartford, Conn.; Somerville, Mass.; Rumson and South Kearny, N.J.; Brooklyn, Garden City, Staten Island, and Williston Park, N.Y.; and Newport News and Norfolk, Va., for 180 days. Supporting shipper: Seitz Foods, Incorporated, P.O. Box 247, St. Joseph, Mo. 64502. Send protests to: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

No. MC 138126 (Sub-No. 1 TA), filed December 12, 1973. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1522 K Street, NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff*, (1) from Salisbury, Md., to points in Maine, New Hampshire, New York, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, the District of Columbia, and points in Tennessee on and east of U.S. Highway 127; and (2) from Dowingtown, Pa., to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont, for 180 days. Restriction: Service at Dowingtown, Pa., shall be limited to partial pickup of shipments with traffic originating at Salisbury, Md. for movement to points in item (2). Supporting shipper: Mr. Albin J. Budash, Dir.—Transp. Pricing & Research, Campbell Soup Company, Campbell Place, Camden, N.J. 08101. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 139219 TA (Correction), filed October 30, 1973, published in the FEDERAL REGISTER issue of November 15, 1973, and republished as corrected this issue. Applicant: LANE TRUCKING, INC., 312 Ross Clark Circle, Dothan, Ala. 36301. Applicant's representative: R. S. Richard, P.O. Box 2069, Montgomery, Ala. 36103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Fertilizer*, in bulk, in dump trucks and dump trailers, between Dothan, Ala. and Albany, Ga.: From Dothan, Ala. over Alabama Highway 52 to the Alabama-Georgia State line, thence over Georgia Highway 62 to the intersection of Georgia Highways 62 and 91 southwest of Albany, Ga., thence via Georgia Highway 91 to Albany, Ga., and return over the same

route, serving no intermediate points, for 180 days. Supporting shipper: Swift Chemical Company, 111 West Jackson Boulevard, Chicago, Ill. 60604. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

NOTE.—The purpose of this republication is to show that the above applicant is assigned No. MC 139219 TA, in lieu of McDaniel Trucking, 312 Ross Clark Circle, Dothan, Ala. 36301, which was published in error.

No. MC 139261 (Sub-No. 1 TA), filed December 10, 1973. Applicant: BUCKEYE EXPRESS, INC., Willis Day Industrial Park, Perrysburg, Ohio 43551. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food business houses, institutions, catalogue showroom stores, and home center stores; and in connection therewith, *equipment, materials, and supplies* used in the manufacture, distribution, and conduct of such business, between Perrysburg, Ohio, on the one hand, and points in the United States on the other, under contract to International Automated Machines, Inc., for 180 days. Supporting shipper: International Automated Machines, Inc., Willis Day Industrial Park, Perrysburg, Ohio 43551. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Bldg., 234 Summit Street, Toledo, Ohio 43604.

No. MC 139333 TA, filed December 10, 1973. Applicant: ROBERT J. PRITCHETT, doing business as PRINCE TRUCKING, 5865 Smithway Street, City of Commerce, Calif. 90040. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New office furniture* for the account of All-Steel, Inc., from the distribution point facilities of All-Steel, Inc., at the City of Commerce, Calif., to points within a 150 mile radius of the City of Commerce, Calif., with return shipments of *refused or damaged merchandise*, for 180 days. Supporting shipper: All-Steel Equipment, Inc., Aurora, Ill. 60507. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 N. Los Angeles St., Room 7708, Los Angeles, Calif. 90012.

MOTOR CARRIERS OF PASSENGERS

No. MC 116313 (Sub-No. 3 TA), filed December 12, 1973. Applicant: TROMBLY MOTOR COACH SERVICE, INC., Route 125 Bypass at Hillside Way, North Andover, Mass. 01845. Applicant's representative: Robert G. Bleakney, Jr., 225 Franklin Street, Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* in special operations: Beginning and ending at Lowell and Lawrence, Mass., and extending to the race track of Yankee Greyhound Racing, Inc., at Seabrook, N.H., for 180 days. Supporting shippers: James B. Corrigan, Yankee Greyhound Racing, Inc., Seabrook, N.H. 03874; Ralph S. Emonds, Continental Trailways of New England, Lawrence, Mass. 01840; and Arthur Diette, Barrows Bus Terminal, Lowell, Mass. Send protests to: Norman T. Fowlkes, District Supervisor, Interstate Commerce Commission, Bureau of Operatons, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

By the Commission.

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

[FR Doc.74-341 Filed 1-3-74;8:45 am]

[Notice No. 178]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 28, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 76 (Sub-No. 6 TA), filed December 12, 1973. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Old Lincoln Highway, Langhorne, Pa. 19047. Applicant's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), and Ohio, for 180 days. Supporting shipper: Bethlehem Steel Corporation, Bethlehem, Pa. 18015. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 41406 (Sub-No. 36 TA), filed December 17, 1973. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Mlg.: P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: W. J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Iowa, Wisconsin, and the St. Louis, Mo., Commercial Zone, for 180 days. Supporting shipper: Bethlehem Steel Corporation, Manager, Rail and Truck Transportation, Bethlehem, Pa. 18016. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204. Fort Wayne, Ind. 46802.

No. MC 52657 (Sub-No. 711 TA), filed November 16, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 W. 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (other than those designed to be drawn by passenger automobiles), in initial movements in truckaway service, and *materials, supplies, and parts* used in the manufacture, assembly, and servicing of the aforementioned commodities when moving in mixed shipments and on the same load with trailers and trailer chassis, from Eagle and Lebanon, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Massachusetts, Maine, Michigan, Maryland, Mississippi, New Hampshire, New Jersey, New York North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Vermont, Wisconsin, West Virginia, and Washington, D.C., for 180 days. Supporting shipper: Mr. Frank W. Springer, Traffic Manager, Gindy Manufacturing Corporation, Dowingtown, Pa. 19335. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 107403 (Sub-No. 870 TA), filed December 12, 1973. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 6 fuel oil*, in bulk, in tank vehicles, from Three Rivers and Montezuma, N.Y., to Ottawa, Ohio, for 180 days. SUPPORTING SHIPPER: F. R. Brennen, Traffic Manager, GTE Sylvania Incorporated, Johnston Street, Seneca Falls, N.Y. 13148. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 113908 (Sub-No. 295 TA), filed December 7, 1973. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180 Glenstone Station, 2105 East Dale Street, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Springfield, Mo., to points in Florida, for 180 days. SUPPORTING SHIPPER: Hoffman-Taff, Inc., P.O. Box 1246 S.S.S., Springfield, Mo. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 118457 (Sub-No. 10 TA), filed December 17, 1973. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., West 145 South 6550 Tess Corners Drive, Muskego, Wis. 53150. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the facility of Continental Freezers of Illinois at Chicago, Ill., to points in Ohio, the Lower Peninsula of Michigan, Indiana; Louisville, Ky.; and Iowa on and east of U.S. Highway 63, for 180 days. SUPPORTING SHIPPER: Continental Freezers of Illinois, 4220 S. Kildare Blvd., Chicago, Ill. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street—Room 807, Milwaukee, Wis. 53203.

No. MC 128383 (Sub-No. 46 TA), filed December 12, 1973. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except commodities in bulk, Class A and B explosives and motor vehicles requiring the use of special equipment) in trailers equipped with roller bed floors, between Dulles International Airport, Va.; the Greensboro-High Point-Winston Salem Airport, N.C.; and Douglas Municipal Airport at or near Charlotte, N.C., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in a substitute for air service, for 180 days. SUPPORTING SHIPPER: Southern Overseas Corporation, 4049 West Blvd., Charlotte, N.C. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 134890 (Sub-No. 5 TA), filed December 17, 1973. Applicant: MARION TRANSFER, INC., 2380 North 124th Street, Wauwatosa, Wis. 53226. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Milwaukee, Wis., to points in Maryland, Massachusetts and New Jersey and to the United States-Canadian border at or near Detroit, Mich. and at or near Buffalo, N.Y., for the accounts of Smith-Wilson Meat Products, Inc., for 180 days. SUPPORTING SHIPPER: Smith-Wilson Meat Products, Inc., 1513 West Canal Street, Milwaukee, Wis. 53233. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134922 (Sub-No. 58 TA), filed December 17, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Copper and aluminum wire, cable and rod*, and/or *steel wire and cable*, from Carrollton, Ga. and Hawesville, Ky., to points in Oregon, California, and Washington with stops in transit for partial unloading in Arizona, Idaho, Montana, Nevada and Utah, for 180 days. SUPPORTING SHIPPER: Southwire Company, Fertilla Street, Carrollton, Ga. 30117. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 135861 (Sub-No. 4 TA), filed December 17, 1973. Applicant: LISA MOTOR LINES, INC., Mlg.: P.O. Box 4550, Fort Worth, Tex. 76106. Applicant's representative: Patrick E. Quinn, 605 South 14 Street, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, cocoa, milk chocolate and/or cocoa compounds, flavoring syrup, chocolate coating, cocoa butter*, (except liquids, in bulk, in tank vehicles), from Derry Township, Dauphin County, Pa., to points in Arkansas, Louisiana, Oklahoma, and Texas, for 180 days. RESTRICTION: Restricted to a transportation service to be performed under a continuing contract or contracts with Hershey Foods Corporation. SUPPORTING SHIPPER: Hershey Foods Corporation, Hershey, Pa. 17033. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, Tex. 76102.

No. MC 135913 (Sub-No. 3 TA), filed December 12, 1973. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, N.W., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coated foundry sand*, in bulk, from the plant site of C-E Cast Products at or near Rockwood, Mich., to points in Ohio, under a continuing contract with C-E Cast Products, for 180 days. SUPPORTING SHIPPER: C-E Cast Products, C-E Cermatec Division, Combustion Engineering, Valley Forge, Pa. 19481. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 138351 (Sub-No. 1 TA), filed December 14, 1973. Applicant: DENIS & ROBERT TRANSPORT, INC., R. R. No. 6, Granby, Province of Quebec, Canada. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, and *supplies, materials and equipment* used or useful for printing, between ports of entry on the International Boundary line between the United States and Canada located in Vermont and New York, on the one hand, and, on the other, points in Massachusetts, Connecticut, New York and the commercial zone of New York, N.Y. under a continuing contract with Imprimerie Montreal Granby Press, Ltd., restricted to traffic having a prior or subsequent movement by foreign commerce, for 180 days. SUPPORTING SHIPPER: Imprimerie Montreal Granby Press, Ltd., 5 Drummond Street, Granby, Quebec, Canada. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 138395 (Sub-No. 5 TA), filed December 10, 1973. Applicant: DOUGLAS H. WEST, Post Office Box 1274, Salisbury, Md. 21801. Applicant's representative: Charles E. Creager, Post Office Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals*, from Laurel, Md., to Camden, N.J., for 180 days. SUPPORTING SHIPPER: H. D. Metal Company, Inc., Boundary Street, Salisbury, Md. 21801. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 139308 (Sub-No. 1 TA), filed December 14, 1973. Applicant: PIGGY BACK SHIPPERS ASSOCIATION OF FLORIDA, INC., 1240 S. E. 10th Court, Hialeah, Fla. 33010. Applicant's representative: Franklin E. Frederick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between points in Dade, Broward and Palm Beach Counties, Fla., for 180 days.

NOTE.—Traffic will either originate or terminate at the rail head or applicant's break bulk facility on behalf of its members.

SUPPORTING SHIPPERS: Allison Corporation, 200 South Avenue, Garwood, N.J. 07027; The Stiffel Company, 700 N. Kingsbury Street, Chicago, Ill. 60610; Imperia Foods, Inc., 24 Harrison Street, New York, N.Y. 10013; Stapo Industries, Inc., 62 Jackson Street, Freehold, N.J. 07728; and Adolph Goldmark & Sons Corp., 125-2nd Street, Brooklyn, N.Y. 11231. SEND PROTESTS TO: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 N.W. 87th Avenue, Miami, Fla. 33166.

No. MC 139336 TA filed December 12, 1973. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtubs and shower bathstalls* in carrier furnished trailers, from points in Orange County, Calif., to points in Arizona, Colorado, Idaho, Minnesota, Missouri, Montana, Nevada, New Mexico, North Carolina, Oregon, South Dakota, Texas, Utah, and Washington and to *return damages fiberglass bathtubs and shower bathstalls*, from the identified states to points in Orange County, Calif., for 150 days. SUPPORTING SHIPPER: Tridair Industries, Kimstock, Inc., Division, 2200 South Yale Street, Santa Ana, Calif. 92704. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

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

[FR Doc.74-344 Filed 1-8-74;8:45 am]

[Notice No. 179]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 28, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 6607 (Sub-No. 15 TA), filed December 14, 1973. Applicant: J. J. MINNEHAN, INC., Rockingham Road, P.O. Box 369, Bellows Falls, Vt. 05101. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, from Boston, Mass., to points in New Hampshire, Vermont, Rhode Island, that part of Maine bounded by a line beginning at the New Hampshire-Maine State line and extending in an easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine, thence in an easterly direction along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43, thence along the western shore of the Penobscot River and the Penobscot Bay to the Atlantic Ocean, thence in a southwesterly direction along the Atlantic Coast to the Maine-New Hampshire State line, and thence along the Maine-New Hampshire State line to the point of beginning, including points on the above described boundary lines, and that part of Connecticut on and east of a line beginning at the Connecticut-Massachusetts State line and extending in a southerly direction along Connecticut Highway 159, to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the interchange of Interstate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5, to New Haven, Conn. and (2) *Sugar and blends of sugar with other sweeteners*, from Boston, Mass., to points in the destination areas described immediately above in paragraph (1), for 180 days. SUPPORTING SHIPPERS: Revere Sugar Refinery, 333 Medford St., Charlestown, Mass. 02129 and Amstar Corporation, 1251 Avenue of the Americas, New York, N.Y. 10020. SEND PROTESTS TO: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 13569 (Sub-No. 29 TA), filed December 13, 1973. Applicant: THE LAKE SHORE MOTOR FREIGHT COMPANY, 1200 South State Street, Girard, Ohio 44420. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula) and Ohio, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44119.

No. MC 26396 (Sub-No. 106 TA), filed December 13, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and scrap waste materials* for remelting, between points in Arizona, California, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oregon, South Dakota, Utah and Washington and the International Boundary line between the United States and Canada located in Montana and North Dakota, for 180 days. SUPPORTING SHIPPER: Krush Ette Klean, P.O. Box 990, Livingston, Mont. 59047. SEND PROTESTS TO: Paul J. LaBane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222 U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 35045 (Sub-No. 12 TA), filed December 6, 1973. Applicant: HORNE HEAVY HAULING, INC., 1124 De Kalb Avenue, N.E., Atlanta, Ga. 30307. Applicant's representative: Joseph M. Hambrick, 2265 Vistamont Drive, Decatur, Ga. 30033. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, in truckload lots, only on flatbed trailers or equipment (open top) which because of size or weight require the use of special equipment, only for a freight forwarder at Section 409-rates regulated under Part IV of the Interstate Commerce Act, (a) from all points on the Tennessee River in North Alabama and East Tennessee, on the one hand, to points in Alabama, Georgia, Florida, South Carolina (points in that part of South Carolina in and southeast of the counties of Spartanburg, Union, Newberry, Richland, Calhoun, Orangeburg, Colleton, and Charleston), and Mississippi (points in that part of Mississippi in and east of George, Perry, Forrest, Covington, Simpson, Hinds, Yazoo, Holmes, Leflore, Grenada, Yalobusha, Lafayette and Marshall), and Tennessee (points in that part of Tennessee in and south of Lawrence, Maury, Williamson, Davidson, Wilson, Smith, Putnam, Cumberland, Morgan, Anderson, Knox, and Blount), on the other hand; (b) from points in Jefferson County, Ala., and Cobb, De Kalb, Fulton, and Gwinnett Counties, Ga., to points listed in (a) above, for 180 days.

RESTRICTION: Authority sought in application is to be further restricted to apply only on shipments having initial origin at points in Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Guernsey, Harrison, Jefferson, Lorain, Mahoning, Medina, Monroe, Morgan, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, Ohio; Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Fayette, Greene, Indiana, Jefferson, Lawrence, Mercer, Somerset, Venanago, Washington, and Westmoreland Counties, Pa.; Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Preston, Ritchie, Taylor, Tyler, Wetzel, and Wood Counties, W. Va.; Lake and Porter Counties, Ind.; Cook, DuPage, Grundy, Jersey, Madison, Monroe, St. Clair, and Will Counties, Ill., and those points in Illinois contiguous to the Illinois River which are not located in the previously named Illinois Counties, and points in St. Charles, St. Louis, and Jefferson Counties, Mo., and transported by common carrier subject to Parts I or III of the Interstate Commerce Act to a breakbulk transfer origin point shown in first paragraph. SUPPORTING SHIPPER: I & S Forwarding Company, 2265 Vistamont Drive, N.E., Decatur, Ga. 30033. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, N.W., Room 309, Atlanta, Ga. 30309.

No. MC 51518 (Sub-No. 5 TA), filed December 13, 1973. Applicant: EDWARD VESELY AND FRANCES VESELY, doing business as VESELY BROTHERS, "THE MOVERS", P.O. Box 455, Fayette City, Pa. 15438. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment and supplies* sold, used, distributed or dealt in by a manufacturer of cosmetics (except in bulk), from Washington Township (Fayette County), Pa., to points in Pennsylvania west of the eastern boundaries of McKean, Elk, Clearfield, Centre, Blair, Cambria and Somerset Counties, Pa., for 180 days.

NOTE.—Applicant will interline at Washington Township, (Fayette County), Pa.

SUPPORTING SHIPPER: Amway Corporation, Ada, Mich. 49301. SEND PROTESTS TO: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Bldg., Wheeling, W. Va. 26003.

No. MC 103926 (Sub-No. 32 TA), filed December 11, 1973. Applicant: W. T. MAYFIELD SONS TRUCKING CO., Off: 1560 Bankhead Highway, Mlg: P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: William H. Driskell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, weighing 15,000 pounds or more, and *parts, implements, attachments, accessories and supplies therefor*, when moving incidentally thereto as part of the same shipment, from the facilities of Franklin Equipment Co. at Franklin, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. SUPPORTING SHIPPER: Franklin Equipment Company, P.O. Box 697, Franklin, Va. 23851. SEND PROTESTS TO William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, NW., Room 309, Atlanta, Ga. 30309.

No. MC 106398 (Sub-No. 693 TA), filed December 12, 1973. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Box 51096, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements, from the plantsite of Relco Corporation in Billerica, Mass., to all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: Relco Corporation, Richard Langbert, Vice-Pres., North Billerica, Mass. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 110563 (Sub-No. 120 TA), filed December 13, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, 113 N. Ohio Avenue, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Minden, Nebr., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, the District of Columbia, and Massachusetts, for 180 days. SUPPORTING SHIPPER: Minden Beef Company, P.O. Box 70, Minden, Nebr. 68959. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111170 (Sub-No. 210 TA), filed December 18, 1973. Applicant: WHEELING PIPE LINE, INC., 2811 N. West Avenue, P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Tom E. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, liquid, in bulk, between El Dorado, Ark., on the one hand, and, on the other, St. Louis, Mich. and Chicago, Ill., for 180 days. SUPPORTING SHIPPER: Michigan Chemical Corporation, 351 E. Ohio Street, Chicago, Ill. 60611. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111401 (Sub-No. 404 TA), filed December 14, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *No. 2 Burner fuel*, in bulk, in tank vehicles, from Tulsa, Okla., to Galesburg, Ill., for 180 days. SUPPORTING SHIPPER: Asphalt and Petroleum Industries, Inc., Joe Deal, President, Suite 126, 6111 East Skelly Drive, Tulsa, Okla. 74135. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 116282 (Sub-No. 28 TA), filed December 14, 1973. Applicant: NEIL'S BAKERY PRODUCTS TRANSPORTATION CO., 246 Broad Street, Auburn, Maine 04210. Applicant's representative: Onile P. Francoeur (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products*, from Auburn, Maine, to the International Boundary line between the United States and Canada at or near Derby Line, Vt., for 180 days. SUPPORTING SHIPPER: F. R. Lepage Bakery, Inc., doing business as Country Kitchen Bakers, 60 Second Street, Auburn, Maine 04210. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 307, 76 Pearl Street, P.O. Box 167, Downtown Station, Portland, Maine 04112.

No. MC 116503 (Sub-No. 5 TA), filed December 18, 1973. Applicant: B. R. SCHOLL & SONS, INC., 2301 Fifth Street, Perkasie, Bucks County, Pa. 18944. Applicant's representative: Harry J. Liederbach, 539 Street Road, Southampton, Pa. 18906. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bulk and in bags, from Solvay, N.Y., to points in Maryland, for 180 days. SUPPORTING SHIPPER: R. G. Thorn, Manager, Allied Chemical Corp., Industrial Chemical Div., P.O. Box 1139–R, Morristown, N.J. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 125985 (Sub-No. 20 TA), filed December 13, 1973. Applicant: AUTO DRIVEAWAY COMPANY, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: David L. Steinhagen (same address as applicant).

Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Pets*, (2) *animals intended as pets*, and (3) *containers, supplies and equipment* used in the transportation, raising and keeping of pets and animals intended as pets, between points in the District of Columbia, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Mr. James Evans, Livestock Manager, Puppy Palace Enterprises, Inc., 1000 Lake St. Louis Blvd., Lake St. Louis, Mo. 63367. SEND PROTESTS TO: William L. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 127867 (Sub-No. 11 TA), filed December 12, 1973. Applicant: TRANSOL COMPANY, 146 Forest Avenue, Des Moines, Iowa 50314. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Solvents and chemicals*, in bulk, in tank vehicles, and (2) *solvents and chemicals*, in containers, when moving at the same time and on the same vehicle as the commodities described in (1) above, from Joliet, Ill., and Midland and Wyandotte, Mich., to Des Moines, Bettendorf, and Council Bluffs, Iowa, under a continuing contract, or contracts with Barton Naphtha Corp.; Barton Solvents, Inc.; and Barton Solvents Co., for 180 days. SUPPORTING SHIPPERS: Barton Naphtha Corp., 204 36th Street, Bettendorf, Iowa 52722; Barton Solvents, Inc., 116 Forest Avenue, Des Moines, Iowa 50301; and Barton Solvents Co., 2135 9th Avenue, Council Bluffs, Iowa 51501. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 134599 (Sub-No. 95 TA), filed December 13, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Mail: P.O. Box 748 (Box zip 84110), Off: 265 W. 2700 South, Salt Lake City, Utah 84115. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, advertising materials and equipment, materials and supplies* used in the manufacture of the above items, from Muskegon, Mich., to points in Utah, Idaho, Arizona, and Oregon, for 180 days. SUPPORTING SHIPPER: Scott Paper Company, Scott Plaza, Philadelphia, Pa. 19113. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 134599 (Sub-No. 96 TA), filed December 13, 1973. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, Mail: P.O. Box 748 (Box zip 84110), Off: 265 W. 2700 South, Salt Lake City, Utah 84115. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires, rubber products and equipment, materials and supplies* used in the manufacture and production thereof, between the warehouse facility of Uniroyal, Inc., in Highland Industrial Park, approximately five miles northeast of Camden, Ark., on the one hand, and, on the other, points in the United States, for 180 days. SUPPORTING SHIPPER: Uniroyal, Inc., Oxford Management & Research Center, Middlebury, Conn. 06749. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135760 (Sub-No. 15 TA), filed December 17, 1973. Applicant: COAST REFRIGERATED TRUCKING CO., INC., P.O. Box 188, Holly Ridge, N.C. 28445. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery products*, in vehicles equipped with mechanical refrigeration, from Holly Ridge, N.C., to points in the United States and (2) *Bakery ingredients*, in vehicles equipped with mechanical refrigeration, from points in the United States, to Holly Ridge, N.C., for 180 days. SUPPORTING SHIPPER: Holly Ridge Foods Division, Ice Master Corp., P.O. Box 116, Holly Ridge, N.C. 28445. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 135874 (Sub-No. 26 TA), filed December 12, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets, Mig.: P.O. Box 37468, (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from York, Nebr., to points in Iowa, Kansas, Missouri, South Dakota, North Dakota, Minnesota, Illinois and Wisconsin, for 180 days. SUPPORTING SHIPPER: Sunflower Beef Packers, Inc., P.O. Box 355, York, Nebr. 68467. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135874 (Sub-No. 27 TA), filed December 12, 1973. Applicant: LTL Mig.: P.O. Box 37468 (Box zip 68152), PERISHABLES, INC., 132nd & Q Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Charles City, Iowa, to points in Nebraska, Minnesota, Kansas, Missouri, Illinois, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Pronto Food Kitchen, Inc., Box 723, Ames, Iowa 50010. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135874 (Sub-No. 28 TA), filed December 12, 1973. Applicant: LTL PERISHABLES, INC., 132nd & Q Streets, Mig: P.O. Box 37468 (Box zip 68152), Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Omaha, Nebr., to points in North Dakota and South Dakota, for 180 days. SUPPORTING SHIPPER: Frozen Food Express, Inc., Post Office Box 5888, Dallas, Tex. 75222. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138235 (Sub-No. 1 TA), filed December 14, 1973. Applicant: DECKER TRANSPORT COMPANY, INCORPORATED, 5 Ida Street, Haledon, N.J. 07508. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel storage buildings, shelving, screen houses, aluminum products, materials, equipment, and supplies* used or useful in the manufacture and sale of the foregoing commodities (except commodities in bulk), for the account of Arrow Group Industries, Inc., between Pompton Plains, N.J., on the one hand, and, on the other, Breeze, Ill.; Cucamonga, Calif.; and points in Florida, for 180 days. SUPPORTING SHIPPER: Arrow Group Industries, Inc., 1600 Alexander Avenue, Pompton Plains, N.J. 07444. SEND PROTESTS TO: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 138805 (Sub-No. 3 TA), filed December 18, 1973. Applicant: S. & L. SERVICES, INC., R.D. #1, Milton, Pa. 17847. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt and brewed beverages*, (except in bulk) from the facilities of Anheuser-Busch, Inc., at Columbus, Ohio, to Chambersburg, Pa., for 180 days. SUPPORTING SHIPPER: Myers Bros. Dist., 12–30 West South Street, Chambersburg, Pa. 17201. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 138841 (Sub-No. 3 TA), filed December 14, 1973. Applicant: BLACK HILLS TRUCKING CO., P.O. Box 3104, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat by-products* (except commodities in bulk, skins, and hides), from Rapid City, S. Dak., to Denver, Colo.; Chicago and Rockford, Ill.; Webster City, Iowa; Boston, Mass.; Hopkins, St. Cloud, Minneapolis, and St. Paul, Minn.; Claremont, N.H.; Kenosha, Milwaukee, and Mukwonago, Wis., for 180 days. SUPPORTING SHIPPER: Black Hills Packing Company, P.O. Box 3104, Rapid City, S. Dak. 57701. SEND PROTESTS TO: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139284 (Sub-No. 1 TA), filed December 14, 1973. Applicant: STAFFORD TRUCKING COMPANY, 4316 South Main, P.O. Box 337, Stafford, Tex. 77477. Applicant's representative: Damon R. Capps, P.O. Box 1540, Midland, Tex. 79701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite ore*, in bulk, in open top equipment, between points in Louisiana, for 180 days. SUPPORTING SHIPPER: Chromalloy-American Corporation, Arnold & Clarke Chemical Company Division, P.O. Box 10660, Houston, Tex. 77018. SEND PROTESTS TO: John Mensin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 139303 (Sub-No. 1 TA), filed December 12, 1973. Applicant: VJ TRUCKING COMPANY, Room 102, Centerville National Bank Bldg., Centerville, Iowa 52544. Applicant's representative: Robert F. Holz, Jr., 400 Empire Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock, sand, and gravel*, from the quarry of Mott Quarries, Inc., near Cincinnati, Appanoose County, Iowa, to points in Missouri north of U.S. Highway 36 and east of U.S. Highway 69, for 180 days. SUPPORTING SHIPPER: Mott Quarries, Inc., P.O. Box 428, Centerville, Iowa 52544. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Comerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139341 TA, filed December 6, 1973. Applicant: J. J. PERRY, JR. AND EDWARD BAILEY, doing business as P & B TRUCKING COMPANY, R.F.D. Horn Lake, Miss. 38637. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brewers grain*, in bulk, in dump type vehicles, from the plant site of the Joseph Schlitz Brewing Company, Memphis, Tenn., to the plant site and/or storage facilities of Murphy Products Co., Inc., located at Olive Branch, Miss.; (2) *Brewers grain and animal feed*, in bulk, in dump type vehicles, from the plant site and/or storage facilities of Murphy Products Co., Inc., at Olive Branch, Miss., to points in Alabama, Arkansas, Kentucky, Missouri, and Tennessee; and (3) *Brewers yeast*, in bulk, in tank vehicles, from the plant site of the Joseph Schlitz Brewing Company, Memphis, Tenn., to the plant site and/or storage facilities of Murphy Products Co., Inc., located at Olive Branch, Miss., for 180 days. SUPPORTING SHIPPER: Murphy Products Company, Inc., 124 South Dodge Street, Burlington, Wis. 53105. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38101.

NOTE.—All of the above transportation services are to be performed under a continuing contract or contracts with Murphy Products Co., Inc., Burlington, Wis.

No. MC 139342 TA, filed December 17, 1973. Applicant: DRS RIGGING AND HAULING COMPANY, 685 Middle Street, Bristol, Conn. 06010. Applicant's representative: Mario J. Zangari, 900 Chapel Street, New Haven, Conn. 06510. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, between Bristol, Conn., on the one hand, and, on the other, all States in the Continental United States (excluding Alaska), for 180 days. SUPPORTING SHIPPERS: (1) Morin Building Products Co., Inc., 685 Middle Street, Bristol, Conn. 06010 and (2) Morin Erection Co., Inc., 685 Middle St., Bristol, Conn. 06010. SEND PROTESTS TO: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 135 High St., Rm. 324, Hartford, Conn. 06101.

By The Commission.

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

[FR Doc. 74-343 Filed 1-3-74;8:45 am]

[No. 35941]

WEST VIRGINIA INTRASTATE FREIGHT RATES AND CHARGES, 1973

Order. At a Session of the INTERSTATE COMMERCE COMMISSION, Division 2, held at its office in Washington, D.C., on the 20th day of December 1973. By joint petition filed on December 7, 1973, The Baltimore and Ohio Railroad Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, Penn Central Transportation Company (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees), Western Maryland Railway Company, and their Class II connections, common carriers by railroad operating within the State of West Virginia, request the institution of an investigation pursuant to section 13(4) of the Interstate Commerce Act looking toward the prescription of increased intrastate freight rates and charges in West Virginia corresponding to the interstate increases authorized by this Commission in Ex Parte No. 281, *Increased Freight Rates and Charges*, 1972, 341 I.C.C. 288, and the interim interstate increases authorized in Ex Parte No. 295, *Increased Freight Rates and Charges, 1973, Nationwide* by order served on August 3, 1973; and

It appearing, that petitioners allege that relief under section 13(4) of the act is essential because West Virginia intrastate rates and charges are at a depressed level, far below the level required for a healthy transportation system, and result in discrimination against and a burden upon interstate commerce;

Wherefore, and for good cause:

It is ordered, That the petition be, and it is hereby, granted, and that an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the present intrastate rates and charges in West Virginia are in any manner unlawful under section 13(4) of the act by reason of the failure of such rates and charges to include the increases requested in the petition and, if warranted, to enter an appropriate order thereunder.

It is further ordered, That all common carriers by railroad operating within the State of West Virginia, be, and they are hereby, made respondents to this proceeding.

It is further ordered, That any person intending to participate in this proceeding shall notify this Commission by filing with the Commission's Office of Proceedings, Room 5342, 12th Street and Constitution Avenue, NW., Washington, D.C. 20423, on or before January 28, 1974, an original and one copy of a statement of his intention to participate; and that a service list shall be prepared and made available to persons responding to this order, containing the names and addresses of all parties to this proceeding, upon whom copies of all pleadings must be served; thereafter, the nature of further proceedings will be designated.

And it is further ordered, That a copy of this order be served upon the respondents; that the State of West Virginia be notified of this proceeding by sending a copy of this order by certified mail to the Governor of West Virginia, Charleston, W. Va., and a copy to the Public Service Commission of West Virginia at Charleston; and that notice of this proceeding

be given to the general public by depositing a copy of this order in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication therein.

By the Commission, Division 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc 74-346 Filed 1-3-74;8:45 am]

[Notice No. 106]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 28, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 19227 (Sub-No. 200), filed November 18, 1973. Applicant: LEONARD BROTHERS TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Florida 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete handling equipment, parts, materials and supplies* used in the construction, maintenance and servicing thereof, between the plantsites of Gar-Bro Manufacturing Co. at Los Angeles, Calif., and Peoria, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked in lead docket at Peoria, Ill., to provide a through service from points in Florida and in Sub-No. 127, at Los Angeles, Calif., to provide a through service from Yuma, Ariz., to those destination points named above. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 19945 (Sub-No. 40), filed November 19, 1973. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials*, dry, in bulk, from Murray, Ky., to points in Illinois on and south of U.S. Highway 36.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 22229 (Sub-No. 79), filed November 19, 1973. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in that part of De Soto County, Miss., on and bounded by a line beginning at the Tennessee-Mississippi State Boundary line and extending along Germantown Road to junction Goodman Road, thence along Goodman Road to junction Center Hill Road, thence along Center Hill Road to the Tennessee-Mississippi State Boundary line and thence along the Tennessee-Mississippi State Boundary line to the point of beginning, as an off-route point in connection with carrier's authorized regular route operations from and to Memphis, Tenn., restricted against the transportation of shipments originating at, destined to, or interchanged at Memphis, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 29910 (Sub-No. 137), filed November 23, 1973. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving points in that part of De Soto County, Miss., on and bounded by a line beginning at the Tennessee-Mississippi State line and extending along Germantown Road to junction Goodman Road, thence along Goodman Road to junction Center Hill Road, thence along Central Hill Road to the Tennessee-Mississippi State line and thence along the Tennessee-Mississippi State line to point of beginning, as off-route points in connection with carrier's authorized regular-route operation from and to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn. or New Orleans, La.

No. MC 30844 (Sub-No. 485), filed November 16, 1973. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50702. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Bldg., Denver, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Amarillo, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Connecticut, Delaware,

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Wisconsin, and the District of Columbia, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 42487 (Sub-No. 816), filed November 19, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving Holiday Industrial Park, De Soto County, Miss., as an off-route point in connection with carriers' presently authorized regular-route operations.

NOTES.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Washington, D.C.

No. MC 44447 (Sub-No. 30) (CORRECTION), filed October 3, 1973, published in the FEDERAL REGISTER issue of November 29, 1973, and republished as corrected this issue. Applicant: SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio 43212. Applicant's representative: Taylor C. Burneson, 88 East Broad Street, Suite 1680, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Marysville, Ohio, and Bellefontaine, Ohio: (a) From Marysville, Ohio, over U.S. Highway 33 to Bellefontaine, Ohio, and return over the same route; (2) Between Bellefontaine, Ohio, and Fort Wayne, Ind.: (a) From Fort Wayne, Ind., over U.S. Highway 33 to Fort Wayne, Ind., and return over the same route; (3) Between Fort Wayne, Ind., and Ligonier, Ind.: (a) From Fort Wayne, Ind., over U.S. Highway 33 to Ligonier, Ind., and return over the same route; (4) Between Indianapolis, Ind., and Cincinnati, Ohio: (a) From Indianapolis, Ind., over Interstate Highway 74 to Cincinnati, Ohio, and return over the same route; (5) Between Napoleon, Ohio, and Fort Wayne, Ind.: (a) From Napoleon, Ohio, over U.S. Highway 24 to Fort Wayne, Ind., and return over the same route; and (6) Between Columbus, Ohio, and the junction of Ohio Highway 4 and U.S. Highway 20: (a) From Columbus over U.S. Highway 23 to Marion, Ohio, thence over Ohio Highway 4 to junction U.S. Highway 20 (near Bellevue, Ohio), and return over the same route, in (1) through (6) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's regular route operations.

NOTE.—The purpose of this republication is to indicate the request for authority in (2) above which was inadvertently previously published in error. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 49304 (Sub-No. 31) (AMENDMENT), filed September 5, 1973, published in the FEDERAL REGISTER issue of December 6, 1973, and republished as amended this issue. Applicant: BOWMAN TRUCKING COMPANY, INC., P.O. Box 6, Stephens City, Va. 22655. Applicant's representative: Daniel B. Johnson, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials, and supplies* used by or in the processing of minerals and ores (except commodities which because of size and weight require the use of special equipment), from points in West Virginia, Virginia, Ohio, Pennsylvania, Maryland, and North Carolina, to Strasburg, Va.

NOTE.—The purpose of this republication is to add the origin point of Maryland. Applicant states that the requested authority can be tacked with its existing authority (1) on steel drums, at Strasburg, Va., to provide a through service from the origin points named above to Frederick, Md.; and (2) on lime and limestone, at points in West Virginia and Pennsylvania to provide a through service from Middletown, Va., and points within 6 miles thereof to Strasburg, Va. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 52657 (Sub-No. 713), filed November 19, 1973. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Trailers and trailer chassis*, in initial truckaway service; (2) *motor vehicles bodies, packers, compactors, hoists (including power gates), containers, portable truck cranes, cylinders, and lift gates;* and (3) *materials, supplies* (except commodities in bulk), and *parts* used in the manufacture, assembly or servicing of commodities described in (A) (1) and (2) above when moving with such commodities; between Winesburg, Ohio; Macon, Ga.; Vineland, N.J.; Galion, Ohio; and Durant, Okla.; and (B) (1) *trailers and trailer chassis*, in initial truckaway service; (2) *motor vehicle bodies, packers, compactors, hoists (including power gates), containers, portable truck cranes, cylinders, and lift gates;* and (3) *materials, supplies* (except commodities in bulk), and *parts* used in the manufacture, assembly or servicing of commodities described in (B) (1) and (2) above when moving with such commodities; between Winesburg, Ohio; and Macon, Ga.; on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Columbus, Ohio.

No. MC 59367 (Sub-No. 89), filed November 16, 1973. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except meats, meat products, dairy products, frozen foods, and commodities in bulk), from points in Wisconsin, to points in Iowa, Kansas, Missouri, and Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 60470 (Sub-No. 23), filed November 23, 1973. Applicant: MOTOR-CAR TRANSPORT COMPANY, a Corporation, 1280 Joslyn Avenue, Pontiac, Mich. 48055. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Janesville, Wis., to points in the Lower Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 61396 (Sub-No. 259), filed November 23, 1973. Applicant: HERMAN BROS. INC., 2565 St. Marys, P.O. Box 189, Omaha, Nebr. 68101. Applicant's representative: J. R. Chesney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, in tank vehicles, from Central Illinois Light Co., E. D. Edward Station, at or near Bartonville, Ill., and R. F. Wallace Station, at or near East Peoria, Ill., to Dundee Cement Company, at or near Clarksville, Mo.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Louis or Kansas City, Mo., or Omaha, Nebr.

No. MC 69116 (Sub-No. 158) (CORRECTION), filed July 5, 1973, published in the FEDERAL REGISTER issue of October 26, 1973, and republished, as corrected this issue. Applicant: SPECTOR FREIGHT SYSTEM, INC., a Corporation, 205 West Wacker Drive, Chicago, Ill.

60606. Applicant's representative: Jack Goodman, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and materials and supplies and accessories* used in the installation thereof, from the plantsite of Johns-Manville Corporation at or near Jackson (Madison County), Tenn., and Wilton (Muscatine County), Iowa, to points in Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Wisconsin, restricted to traffic originating at the plantsites of Johns-Manville Corporation.

NOTE.—The purpose of this republication is to include the previously omitted destination states of Indiana and Iowa. Applicant states that the requested authority can be tacked with its existing regular-route authority at the destination States named above to provide a through service from the plantsites of Johns-Manville Corporation at or near Jackson (Madison County), Tenn., and Wilton (Muscatine County), Iowa, to points in Arkansas, Kansas, Oklahoma, Texas, Delaware, Maryland, Virginia, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 69116 (Sub-No. 161), filed November 12, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between junction U.S. Highways 12 and 53 and Davenport, Iowa, serving Dubuque, Iowa, as a point of joinder only, and serving Davenport and points within the Davenport-Rock Island-Moline, Ill., Commercial Zone, as points of joinder only: From junction U.S. Highways 12 and 53, over U.S. Highway 53 to junction U.S. Highway 61, thence over U.S. Highway 61 to Davenport, and return over the same route, as an alternate route for operating convenience only.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 335), filed November 23, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated building materials, components, and accessories*, from the plant site of General Panel Systems, Inc., Jackson, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80428 (Sub-No. 86), filed July 17, 1973. Applicant: McBRIDE TRANSPORTATION, INC., P.O. Box 430, Goshen, N.Y. 10924. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers and container ends*, from the plantsite of Reynolds Metals Company at the Town of Wallkill (Orange County, N.Y.), and warehouse at Warwick, N.Y., to Baltimore, Md.; Newark, Woodbridge, and Paterson, N.J.; Latrobe and Wilkes-Barre, Pa., restricted to traffic originating at above-named locations and destined to the above-named destinations; (2) *liquid sugar, liquid invert, liquid dextrose, corn syrups, and blends thereof*, in stainless steel tank vehicles, from Cleveland, Ohio, to points in New York and Pennsylvania; (3) *liquid sugar, liquid invert sugar, liquid dextrose, corn syrups and blends of liquid sugar, liquid invert sugar, liquid dextrose, and corn syrups* (in bulk), from Lakeville, N.Y., to New Jersey, Pennsylvania, Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; and (4) *liquid animal feed*, from Batavia, N.Y., to ports of entry on the International Boundary line between United States and Canada, on the Niagara River, in New York.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 82492 (Sub-No. 92) filed November 23, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fort Dodge, Iowa, to points in Kentucky.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 94350 (Sub-No. 343), filed November 16, 1973. Applicant: TRANSIT HOMES, INC., P.O. Box 1628, Haywood Rd., Greenville, S.C. 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from points in Franklin Parish, La., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 100449 (Sub-No. 39), filed November 23, 1973. Applicant: MALLINGER TRUCK LINE, INC., R. F. D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the facilities of Kold Storage, Inc., at or near Fort Dodge, Iowa, to points in Missouri, restricted to traffic originating at the above-named origin and destined to points in Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Kansas City, Mo.

No. MC 100666 (Sub-No. 259), filed November 23, 1973. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, piling, cross-arms, cross-ties, composition board, lumber, and lumber products*, from points in Georgia, to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, as follows: in Sub-No. 39, on composition board, at Craig, Okla., to serve points in Colorado; in Sub-No. 47, on pressure treated forest products at points in Oklahoma and Texas, and on lumber, at points in Oklahoma to serve points in New Mexico; in Sub-No. 58, on lumber, posts, poles, piling, pallets, and cross-ties, at points in Arkansas to serve points in Minnesota, North Dakota, and South Dakota; in Sub-No. 68, on composition lumber, at the plant and warehouse sites of Dierks Forests, Inc., located at Broken Bow, Okla., to serve points in Colorado and New Mexico; in Sub-No. 67, on building materials, at Duke, Okla., to serve points in Colorado and New Mexico; in Sub-No. 95, on building materials, at the plantsite of the Celotex Corporation at or near Hamlin, Tex., to serve points in Colorado; in Sub-No. 101, on particleboard, at the plant site or storage facilities of International Paper Company at or near Gifford, Ark., to serve points in Colorado, Minnesota, and New Mexico; in Sub-No. 106, on building materials, at Acme, Tex., to serve points in Colorado and New Mexico; in Sub-No. 108, on plywood and molding, at Covington, Tenn., to serve points in Colorado, Minnesota, New Mexico, North Dakota, and South Dakota; in Sub-No. 120, on composition boards, at points in Henry County, Tenn., to serve points in Colorado, New Mexico, Wyoming, North Dakota, South Dakota, and Montana; in Sub-No. 148, on composition board and lumber, at the warehouses and plant site of the International Paper Company located in Stone County, Miss., to serve points in Minnesota, North Dakota, and South Dakota; in Sub-No. 176, on composition board, plywood, and moldings, at Pittsburg, Kans., to serve points in North Dakota, South Dakota, Montana, Nevada, Arizona, Utah, Idaho, Washington, Oregon, and California; in Sub-No. 178, on composition board, at Miami, Okla., to serve points in

North Dakota, South Dakota, Colorado, New Mexico, and Minnesota; in Sub-No. 180, on particleboard, at Diboll, Tex., to serve points in North Dakota, South Dakota, Colorado, and New Mexico; in Sub-No. 216, on flakeboard and paneling, at the plant site of the Permaneer Corp. located in Calhoun County, Ark., to serve points in the United States west of Calhoun County, Ark.; and in Sub-No. 230 on poles, posts, piling, crossarms, crossties, and lumber, at Beaumont or Texarkana, Tex., to serve points in Arizona. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 106400 (Sub-No. 100), filed November 14, 1973. Applicant: KAW TRANSPORT COMPANY, a Corporation, P.O. Box 12628, North Kansas City, Mo. 64116. Applicant's representative: Robert L. Hawkins, Jr., P.O. Box 456, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railroad journal oil*, in bulk, in tank vehicles, from Kansas City, Kans., to Flat River, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 680), filed November 21, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, fittings, flashings, and related products;* from the facilities of Charlotte Pipe and Foundry, Plastics Division, located at or near Bakers Community (Union County), N.C., to points in Florida, Wisconsin, Minnesota, Iowa, Missouri, Arkansas, Mississippi, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 681), filed November 21, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, couplings, fittings, and accessories necessary for the installation thereof*, and (2) *vinyl siding*, from the plantsite and storage facilities of Certain-Teed Products Corporation, at Williamsport, Md., to points in Illinois, Indiana, Michigan, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 685), filed November 23, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete construction forms and accessories;* and (2) *open and closed top incinerators and accessories*, from Kansas City, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 107295 (Sub-No. 687), filed November 23, 1973. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastic composition and accessories* used in the installation and distribution of, from Brockton and Woburn, Mass., to White Lake, Wis., and Ishpeming, Mich.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109637 (Sub-No. 393), filed October 29, 1973. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: #2 *Fuel oil*, in bulk, in tank vehicles, (1) from Frankfort, Ky., to Lawrenceburg, Ind., Schenley, Pa., and Tullahoma, Tenn.; (2) from Chattanooga, Tenn. (except those points in the Chattanooga, Tenn., Commercial Zone in Georgia), to Frankfort, Ky., Lawrenceburg, Ind., Schenley, Pa., and Louisville, Ky.; (3) from Tullahoma, Tenn., to Lawrenceburg, Ind., Schenley, Pa., Frankfort and Louisville, Ky.; (4) from Lawrenceburg, Ind., to Frankfort, Ky., Tullahoma, Tenn., Schenley, Pa., and Louisville, Ky.; and (5) from Hooven, Ohio, to Schenley, Pa.

NOTE.—Applicant states that the requested authority can be tacked at Louisville, Ky., under Lead Docket MC 109637, to serve points in Indiana. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (Sub-No. 1075), filed October 29, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, (1) from the plantsite and facilities of Schenectady Chemicals, located at Schenectady, N.Y., to points in Connecticut, Illinois (except Chicago, North Chicago, Rockford, and Elk Grove), Indiana (except Fort Wayne and Lafayette), Kentucky, Michigan (except Hillsdale), Minnesota, Ohio, and Virginia; (2) from the plant site of Schenectady Chemicals, located at Rotterdam Junction, N.Y., to points in Massachusetts, Ohio, and West Virginia; (3) from the plantsite of General Electric at Schenectady, N.Y., to points in Indiana, Kentucky, and Mississippi; and (4) from the plantsite of General Electric at Waterford, N.Y., to points in Michigan, Ohio, Tennessee, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany or New York City, N.Y.

No. MC 110908 (Sub-No. 3), filed November 23, 1973. Applicant: BARBOURSVILLE TRANSFER, INC., P.O. Box 114, Barboursville, W. Va. 25504. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and related clay products*, from the plant site of Cline Brick Company located at or near Ashland and Princess, Ky., to points in Cabell, Kanawha, Lincoln, Mason, Putnam, and Wayne Counties, W. Va.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va.; Columbus, Ohio; or Washington, D.C.

No. MC 110988 (Sub-No. 305), filed November 12, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54946. Applicant's representative: E. Stephen Heisley, 805 McLaughlin Bank Bldg., 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic synthetic liquid* in bulk, in tank vehicles, (1) from the plantsite of E. I. duPont at Seneca, Ill., to points in Connecticut, Florida, Georgia, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Texas, and Wisconsin; and (2) from the plantsite of E. I. duPont at Niagara Falls, N.Y., to points in Connecticut, Massachusetts, and Rhode Island, restricted to the transportation of traffic originating at Seneca, Ill., and terminating at Niagara Falls, N.Y. (to complete loading).

NOTE.—Common control was approved in MC-F-10280. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 111496 (Sub-No. 15), filed November 16, 1973. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55414. Applicant's repre-

sentative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from Williams County, N. Dak., to points in Minnesota, and those in South Dakota east of the Missouri River.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or Minneapolis, Minn.

No. MC 111740 (Sub-No. 28), filed October 25, 1973. Applicant: OIL TRANSPORT COMPANY, a Corporation, East Highway 80, P.O. Drawer 2679, Abilene, Tex. 79604. Applicant's representative: Jerry Prestridge, P.O. Box 1148, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, between points in Texas on and west of a line beginning at the junction of U.S. Highway 75 and the Texas-Oklahoma State Boundary line and extending along U.S. Highway 75 to intersection Interstate Highway 20 at Dallas, Tex., thence along Interstate Highway 20 to intersection Interstate Highway 35E at Dallas, Tex., thence along Interstate Highway 35E to intersection Interstate Highway 35, thence along Interstate Highway 35 to the International Boundary line between the United States and the Republic of Mexico at Laredo, Tex., New Mexico, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at both Dallas, Tex., and Albuquerque, N. Mex.

No. MC 112822 (Sub-No. 305), filed November 16, 1973. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from points in California and Arizona, to points in Illinois, Iowa, Minnesota, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Chicago, Ill.

No. MC 113434 (Sub-No. 59), filed November 15, 1973. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, Mich. 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Holland, Mich., to points in Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Detroit, Mich.

No. MC 114457 (Sub-No. 172), filed November 12, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prepared animal food* (except in bulk), from Delavan, Wis., to points in Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, Pennsylvania, New York, and New Jersey; and (2) *materials and supplies* (except in bulk) on return.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Madison, Wis., St. Paul, Minn., or Chicago, Ill.

No. MC 114457 (Sub-No. 177), filed November 23, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: James C. Hardman, 127 N. Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal containers, container ends, and container accessories*, from Shoreham, Mich., to Springdale, Ark., and Neosho, Mo.; and (2) *materials and supplies* used in the manufacture and distribution of metal containers, container ends, and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from Springdale, Ark., and Neosho, Mo., to Shoreham, Mich.

NOTE.—Common control was approved in MC-F-11921. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114604 (Sub-No. 22), filed November 16, 1973. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market, Forest Park, Ga. 30050. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy and confectionery and related products* (except in bulk); and (2) *advertising matter, premium and display materials* when shipped in the same vehicle with commodities described in (1) above, in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities of M & M/MARS, Division of Mars, Incorporated, located at Atlanta, Doraville, Decatur, and Albany, Ga., to points in Florida, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and Alabama, restricted to the transportation of traffic originating at the plant site and warehouse facilities of M & M/MARS, Division of Mars, Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115353 (Sub-No. 14), filed November 16, 1973. Applicant: LOUIS J. KENNEDY TRUCKING COMPANY, a Corporation, 342 Schuyler Avenue, Kearney, N.J. 07032. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, gypsum and gypsum products, and such materials, equipment, and supplies* as are used in the manufacture, packaging, installation or distribution of such commodities (except commodities in bulk), between the plant site and facilities of United States Gypsum Company at Oakfield, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with United States Gypsum Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117815 (Sub-No. 218), filed November 23, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 S. E. 20th, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and warehouse facilities of Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Indiana and Michigan, restricted to the transportation of shipments originating at the named origins and destined to the named destinations.

NOTE.—Common control was approved in MC-F-11497. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 117815 (Sub-No. 219), filed November 23, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, and *articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., located at or near Albert Lea, Minn., to points in Illinois, Iowa, Kansas, and

Missouri, restricted to the transportation of shipments originating at the named origin and destined to the named destinations.

NOTE.—Common control was approved in MC-F-11497. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 119774 (Sub-No. 74), filed October 4, 1973. Applicant: EAGLE TRUCKING COMPANY, a Corporation, P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, couplings, connections, valves, and materials and supplies* for the installation thereof, from the plantsites of the Clow Corporation at or near Bensenville, Ill., to points in Iowa, Kansas, Missouri, Arkansas, Oklahoma, Louisiana and Texas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its lead (1) on cement asbestos products and conduit at Van Buren, Ark., to serve points in Alabama, Arizona, Colorado, Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; (2) on Mercer commodities and earth drilling at any point in Arkansas, Louisiana, or Texas to serve points in Alabama, Florida, Georgia, Mississippi, and Tennessee, restricted against main or trunk pipelines, as to Mercer commodities; (3) on commodities at Shreveport, La., to serve points in Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, and Tennessee; and (4) at New Orleans and Slidell, La., in Sub 39; at the plantsite of Tex-Tube Division, Detroit Steel Corporation, Houston, Tex., under Sub 40 or at Burns Flat, Okla., under Sub 60 to serve any point in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Dallas, Tex., or St. Louis, Mo.

No. MC 119777 (Sub-No. 275), filed November 23, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, fittings, hydrants, valves,* and *parts and accessories* for pipe, fittings, hydrants, and valves, from Chattanooga, Tenn., to points in North Dakota, South Dakota, Nebraska, Colorado, New Mexico, Texas, Oklahoma, Kansas, Louisiana, Arkansas, Missouri, Mississippi, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, West Virginia, Virginia, Pennsylvania, and New York.

NOTE.—Applicant presently holds motor contract carrier authority under MC 126970 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Nashville, Tenn.

No. MC 119988 (Sub-No. 61), filed November 23, 1973. Applicant: GREAT WESTERN TRUCKING CO., INC., Highway 103 East, P.O. Box 1384, Lufkin, Tex. 75901. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies* used in the manufacture and distribution of paper and paper products (except in bulk), from points in the United States (except Alaska and Hawaii) to the plantsite and warehouse facilities of International Paper Co., Inc., located at or near Pine Bluff, Ark., restricted to traffic destined to the plantsite and warehouse facilities of International Paper Co., Inc., at or near Pine Bluff, Ark.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 123872 (Sub-No. 14) (AMENDMENT), filed October 23, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as amended this issue. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk in tank vehicles), from the plantsite and shipping facilities of Missouri Beef Packers, Inc., at or near Rock Port, Mo., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

NOTE.—The purpose of this amendment is to indicate the proper origin of Missouri Beef Packers, Inc. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C., or Washington, D.C.

No. MC 123965 (Sub-No. 8), filed November 21, 1973. Applicant: KEAL DRIVEAWAY COMPANY, a Corporation, 852 East 73rd Street, Cleveland, Ohio 44103. Applicant's representative: Donald B. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor vehicles and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, and (2) *bodies, cabs, and parts of, and accessories*, for such motor vehicles as described in (1) above, from the plantsite of White Truck Division of the White Motor Corporation, near Ogden, Utah, to points in the United States including Alaska but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant request it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 125985 (Sub-No. 19), filed November 21, 1973. Applicant: AUTO DRIVEAWAY COMPANY, a Corporation, 343 South Dearborn Street, Chicago, Ill. 60604. Applicant's representative: John F. Sohl (same address as applicant). Authority sought to operate as a *common carrier, by motor vehicle*, over irregular routes, transporting: (1) *Pets*, (2) *animals intended as pets*, and (3) *containers, supplies, and equipment* used in the transportation, raising, and keeping of pets and animals intended as pets, between points in the District of Columbia, Indiana, Illinois, Iowa, Kansas, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 125996 (Sub-No. 41) (CORRECTION), filed October 3, 1973, published in the FEDERAL REGISTER issue of December 6, 1973, and republished as corrected this issue. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plant site of Madison Foods, Inc., Madison, Nebr., to points in Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Maine, Maryland, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming, restricted to the transportation of traffic originating at the above named plant site and destined to the above named states.

NOTE.—The purpose of this republication is to include the destination States of Rhode Island, Utah, and Vermont in applicant's request for authority above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Chicago, Ill.

No. MC 126899 (Sub-No. 67), filed November 14, 1973. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky.

40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, fom Belleville, Ill., to Owensboro and Louisville, Ky., and *empty malt beverage containers* on return.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Louisville, Ky.

No. MC 127042 (Sub-No. 125), filed September 17, 1973. Applicant: HAGEN, INC., 4120 Floyd Blvd., P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City, Nebr., and Emporia, Kans., to points in Colorado and Wyoming.

NOTE.—Common control was approved in MC-F-11806. Applicant states that the requested authority can be tacked with its existing authority at Dakota City, Nebr., and its Commercial Zone and Emporia, Kans., in the base certificate and in Sub-Nos. 5, 6, 8, 14, 24, 25, and 27 to provide a through service from points in Kansas, Missouri, Minnesota, South Dakota, Nebraska, Illinois, Iowa, and Wyoming to points in Colorado and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 129387 (Sub-No. 18), filed September 13, 1973. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: George N. Manolis, 201 Farmers & Merchants Bank Building, Huron, S. Dak. 57350. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), from the plant site of Madison Foods, Incorporated, Madison, Nebr., to Washington, Oregon, California, Arizona, Nevada, North Dakota, South Dakota, Kansas, Kentucky, Virginia, West Virginia, New York, Pennsylvania, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, District of Columbia, Delaware, Rhode Island, and Maryland, restricted to traffic originating at the above named plant site and destined to the named destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 133106 (Sub-No. 41), filed November 23, 1973. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire, electric plugs and cord sets, power supply cords and related items*, from Rumford, R.I., to points in Louisiana and (2) *valves, hydrants, pipe fittings, connections and hangers and indicator posts*, from Elmira, N.Y., to points in Georgia, Indiana, Kentucky, Louisiana, North Carolina, and South Carolina, under continuing contracts with International Telephone and Telegraph Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Kansas City, Mo.

No. MC 133119 (Sub-No. 35), filed November 23, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses* as described in Sections A, B and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of John Morrell & Co., located at or near Sioux Falls, S. Dak., and St. Paul, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 134514 (Sub-No. 1), filed November 8, 1973. Applicant: HILLCREST SUPPLY, INC., doing business as KNEPP TRUCKING, a Corporation, R.R. 1, Montgomery, Ind. 47558. Applicant's representative: James L. Beattey, 130 E. Washington Street, Suite 1000, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingredients* for the manufacture of animal and poultry feed, in bags and bulk, from Champaign and Danville, Ill.; Clinton, Iowa; Cochrane, Wis.; and Rittman, Ohio, to points in Dubois County, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 134765 (Sub-No. 11), filed November 7, 1973. Applicant: SPECIALTY TRANSPORT, INC., Holland Road, Wales, Mass. 01081. Applicant's representative: David M. Marshall, 135 State Street, Suite 200, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products, and forest products*, between Passadumkeag, Maine, on the one hand, and, on the other, points in the United States east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, under a continuing contract or contracts with Diamond International Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.; Boston, Mass.; or Washington, D.C.

No. MC 134779 (Sub-No. 6), filed November 23, 1973. Applicant: JANESVILLE AUTO TRANSPORT COMPANY, a Corporation, 1263 South Cherry Street, Janesville, Wis. 53545. Applicant's representative: Walter N. Bieneman, 100 W. Long Lake Road, Bloomfield Hills, Mich. 48103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, (1) from Pontiac, Mich., to Janesville, Wis.; and (2) from Pontiac, Mich., to points in Iowa, Minnesota, and Wisconsin, restricted to the transportation of traffic moving through Janesville, Wis., under contract with General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Detroit, Mich.

No. MC 134983 (Sub-No. 1), filed November 23, 1973. Applicant: MID-CONTINENT TRUCKING COMPANY, a Corporation, 204 Morningside Drive, Denison, Iowa 51442. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denison, Carroll, and Iowa Falls, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *returned shipments, materials, supplies, and equipment* utilized in the manufacture, sale, and distribution of the commodities specified in (1) above; Restricted (a) against the transportation of hides, commodities in bulk, or those requiring special equipment, and (b) to traffic originating or terminating at the plant-sites or warehouse facilities of Farmland Foods, Inc., and limited to a transportation service to be performed under a continuing contract, or contracts, with Farmland Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 135007 (Sub-No. 40), filed December 3, 1973. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406, Millard, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor

vehicle, over irregular routes, transporting: *New finished furniture,* from Canby, Oreg., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, Utah, Washington, and Wyoming, under contract with William Volker and Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Omaha, Nebr.

No. MC 135513 (Sub-No. 8), filed November 23, 1973. Applicant: ECHO TRUCKING COMPANY, a Corporation, P.O. Drawer AY, Benson, Ariz. 85602. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Coal,* from points in McKinley County, N. Mex., to Morenci, Ariz., under a continuing contract or contracts with Phelps Dodge Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 135874 (Sub-No. 24), filed October 3, 1973. Applicant: LTL PERISHABLES, INC., P.O. Box 37468 (Millard Warehouse), Omaha, Nebr. 68137. Applicant's representative: Bill White, 132nd & Q Streets, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between Wagner, S. Dak., on the one hand, and, on the other, points in Minnesota, Iowa, Nebraska, Kansas, Missouri, Illinois, and Wisconsin, restricted to traffic originating at the origins and destined to the destinations named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136221 (Sub-No. 3), filed November 15, 1973. Applicant: H. L. STANSELL, INC., P.O. Box 158, Palm Harbor, Fla. 33563. Applicant's representative: David C. Venable, 805 McLachlen Bank Building, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Floor coverings, and materials, supplies, and equipment used or useful in the sale, distribution or installation of floor coverings,* from points in the United States (except Alaska and Hawaii), to points in Charlotte, Citrus, Collier, DeSota, Glades, Hardee, Henry, Hernando, Highlands, Hillsborough, Lake, Lee, Manater, Marion, Orange, Osceola, Pasco, Pinellas, Polk, Sarasota, Seminole, Sumter, and Volusia Counties, Fla., under a continuing contract with Crest Flooring Distributors, Inc., at Tampa, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Tampa, or Orlando, Fla.

No. MC 138375 (Sub-No. 8), filed November 14, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Magazines, periodicals, printed matter, and advertising and display materials,* from Chicago, Ill., to points in Missouri, Texas, Oklahoma, Colorado, New Mexico, and California, under continuing contract with Time Incorporated.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 138375 (Sub-No. 9), filed November 15, 1973. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Magazines and periodicals,* from Kokomo, Ind., to points in Arizona, Utah, and Florida, under contract with Hearst Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 138429 (Sub-No. 5), filed November 23, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home product distributors from Orlando, Fla., to points in Georgia on and south of Interstate Highway 20, under a continuing contract or contracts with Stanley Home Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138772 (Sub-No. 1), filed November 21, 1973. Applicant: DELBERT D. McCLELLAND, doing business as ALL WAYS FREIGHT LINE, 215 North 18th Street, Leavenworth, Kans. 66048. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): Between Kansas City, Mo.-Kansas and its Commercial Zone and Marysville, Kans., serving all intermediate points north and west of the junction of U.S. Highway 59 and U.S. Highway 159, and the off-route points of Soldier, Circleville, Onaga, Wheaton, Blaine, Vermillion, Vilets, Axtell, and Beattie; (1) From Kansas City, Mo., Kansas Commercial Zone over U.S. Highway 40 to its junction with Kansas Highway 16, thence north over Kansas Highway 16 to its junction with U.S. Highway 59, thence north over U.S. Highway 59 to its junction with U.S. Highway 159 (near Nortonville, Kans.), thence north over U.S. Highway 159 to its junction with Kansas Highway 9, thence over Kansas Highway 9 to its junction with Kansas Highway 63, thence over Kansas Highway 63 to its junction with U.S. Highway 36, thence over U.S. Highway 36 to Marysville, Kans., and return over the same route; (2) From the junction of Kansas Highway 9 and Kansas Highway 63, thence via Kansas Highway 9 to junction of U.S. Highway 77, thence via U.S. Highway 77 to Marysville, Kans., and return over the same route; and (3) From junction Kansas Highway 9 and Kansas Highway 63, thence south via Kansas Highway 63 to Havensville, Kans., and return over the same route.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 138824 (Sub-No. 1), filed November 15, 1973. Applicant: REDWAY CARRIERS, INC., 411 Eleventh Street, North Chicago, Ill. 60064. Applicant's representative: Paul J. Maton, Suite 1620, Ten South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cranberries and cranberry products,* in containers, and *machinery, materials, supplies, and equipment* incidental to or used in the processing, canning, bottling, preserving, freezing, distribution, and sale of cranberries and cranberry products, between the plant sites and warehouses of Ocean Spray Cranberries, Inc., located in Kenosha County, Wis., and North Chicago, Ill., on the one hand, and, on the other, points in Indiana, Ohio, Kentucky, Tennessee, Illinois, and those points in Missouri on and east of U.S. Highway 65 (except Springfield, Mo.), under contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138841 (Sub-No. 2), filed November 15, 1973. Applicant: BLACK HILLS TRUCKING CO., a Corporation, Box 3104, Rapid City, S. Dak. 57701. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat and meat by-products,* between Rapid City, S. Dak., and points in Colorado, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, New Hampshire, New York, Pennsylvania, Wisconsin, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City, S. Dak., or Denver, Colo.

No. MC 139038 (AMENDMENT), filed August 7, 1973, published in the FEDERAL REGISTER issue of September 27, 1973, and republished as amended this issue. Applicant: LEON R. GOLDSMITH, doing business as TERMINAL MOTOR EXPRESS, 1711 East 15th Street, Los Angeles, Calif. 90021. Applicant's representative: Jerry Solomon Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Specialty commodities* manufactured, dealt in, and marketed by manufacturing chemists for the graphic arts industry, and *materials and supplies* used in the manufacture of said commodities (except commodities in bulk), and (B) *commodities* otherwise exempt under section 203(b)(6) of the act when transported in mixed shipments with those commodities named in (A) above, from (1) plantsite of Anchor Chemical Co., Inc., located at or near Hicksville, N.Y., and said company's utilized storage, warehouses and distribution centers located at or near Los Angeles, Calif, Atlanta, Ga., Elk Grove Village, Ill., Boston, Mass., Kansas City, Mo., Charlotte, N.C., Cincinnati, Ohio, Philadelphia, Pa., and Dallas, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Kansas, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Texas, Utah, Vermont, and Washington, and return with *damaged, rejected, or returned commodities* set forth in (A) with or without mixed shipments of commodities named in (B) above; and (2) between plantsite of Anchor Chemical Co., Inc., and its storage, warehouses and distribution centers at points set forth in (1) above, under a continuing contract or contracts with Anchor Chemical Co., Inc., Hicksville, N.Y.

NOTE.—The purpose of this republication is to modify applicant's territorial request as described above. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139054, filed November 23, 1973. Applicant: RANKO SCHURR AND ROGER SCHURR, a Partnership, doing business as SHORTY'S TOWING SERVICE, 5755 University Avenue NE., Fridley, Minn. 55432. Applicant's representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, and repossessed motor vehicles* and *replacement vehicles* therefor, by use of wrecker equipment, between points in Hennepin, Ramsey, and Anoka Counties, Minn., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

MOTOR CARRIER OF PASSENGERS

No. MC 1515 (Sub-No. 187), filed October 2, 1973. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: R. M. Hannon, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations only, between junction U.S. Highway 90 and Louisiana Highway 109 and Vinton, La.: From junction U.S. Highway 90 and Louisiana Highway 109, over Louisiana Highway 109 to junction of Louisiana Highway 109 and State Highway 3063, thence over State Highway 3063 to Vinton, La.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

BROKER APPLICATION(S) OF PASSENGERS

No. MC 130206, filed June 29, 1973. Applicant: WILLIAM J. CHERNESKY, 50 Ocean View Road, Swampscott, Mass. 01907. Applicant's representative: Richard S. Gilmore, Security National Bank Buidling, Lynn, Mass. 01901. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Lynn and Boston, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, as individuals and groups, by bus, in charter tour operations, beginning and ending at Lynn and Boston, Mass., and extending to points in Maryland, Delaware, New Jersey, New York, New Hampshire, Connecticut, Rhode Island, Vermont, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 130223, filed November 21, 1973. Applicant: PETER PAN WORLD TRAVEL, INC., 1778 Main Street, Springfield, Mass. 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Springfield, Northampton, Holyoke, and Amherst, Mass., to sell or offer to sell the transportation of *passengers and their baggage*, individually and in groups, in special and charter operations, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass., or Hartford, Conn.

By the Commission.

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

[FR Doc.74-340 Filed 1-3-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held as follows:

Tuesday, January 15, 1974, at Electromagnetic Systems Laboratory, Sunnyvale, CA.
Thursday, January 24, 1974, at National Security Agency, Ft. Meade, Maryland.
Thursday, January 31–Friday, February 1, 1974, at the Pentagon, Washington, D.C.

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

DECEMBER 28, 1973.

[FR Doc.74-252 Filed 1-3-74;8:45 am]

Office of the Secretary

ARMY MATERIEL ACQUISITION REVIEW COMMITTEE

Purpose and Functions

Designation. The official designation of this committee is the Army Materiel Acquisition Review Committee (AMARC) hereinafter referred to as "the Committee".

Objectives and scope. The Committee serves as an advisory body to the Steering Group composed of the Under Secretary of the Army, Vice Chief of Staff of the Army, Assistant Secretary of the Army (Research and Development), and Assistant Secretary of the Army (Installations and Logistics) to conduct an independent review of the Army's materiel acquisition process, to assess the current Army organization and procedures for Materiel Acquisition, and to make recommendations for improvement. The goal is an Army Materiel Acquisition Process which:

1. Is responsive to the needs of the Army in the field, assuring that equipment is introduced into the inventory in an efficient and timely manner.

2. Requires fewer personnel and less Army-owned/or operated facilities.

3. Reflects a proper balance in the distribution of field and headquarters personnel.

4. Provides for a proper balance between in-house and contract operations.

5. Will result in the development, fabrication, and user verification of hardware items more closely meeting established requirements prior to the heavy production involvement which has characterized our recent past history.

Duration. The period of time necessary for the Committee to carry out its activities will be no more than one year; however, the Under Secretary of the Army has directed that the Committee's

main effort be completed within 100 days of its establishment. In addition, he shall review the progress and necessity for the Committee continuously, and shall apply for continuation beyond one year in accordance with the provisions of Public Law 92-463, "Federal Advisory Committee Act," October 6, 1972 and applicable implementing directives, if it is deemed that the Committee is still required.

Responsible Agency. The Committee shall report to the Under Secretary of the Army.

Composition. The Committee shall be composed of not more than 25 members selected primarily on the basis of their national or international prominence in major specialties in the conception, development, acquisition and production of Army materiel. Each member will be appointed upon the advice of the Committee Director and concurrence of the Steering Group by the Under Secretary of the Army. When required, the Committee shall recommend establishment of informal study teams. In all cases, members shall be drawn from the total membership of the Committee.

The term of office shall be one year or until the Under Secretary of the Army determines that the Committee has completed its tasks. The Under Secretary of the Army, or his designated representative who is a full-time government employee, has the authority to adjourn any meeting which he considers not to be in the public interest.

Support. The agency responsible for providing necessary support to the Committee is the Army Staff.

Deputy Committee Director. 1. The Committee shall be assisted by a General Officer serving as the Deputy Committee Director and such other qualified civilian and military personnel as may be required in the administration of the activities of the Committee.

2. The Deputy Committee Director shall be assisted by appropriate administrative and clerical staff of the Army Staff and other Army agencies on a full-time basis during the life of the Committee. The Secretary of the General Staff will provide office space, equipment and clerical support for the Committee. Parent agencies of supporting members of the Committee from the Army Staff will provide funds for travel, per diem, and overtime. The Office, Chief of Staff, will provide funds for travel, per diem, and overtime for civilian members of the Committee (both part-time and full-time), as well as Army officers and Department of the Army civilians on temporary duty to the Committee from the major commands.

Duties. The duties of the Committee are to advise the Under Secretary of the Army on matters pertaining to the organizations and procedures used in the Army materiel acquisition process. The study approach will be the following:

1. Ascertain the present status of organization and procedures, including the impact of 1972-1973 changes on the materiel acquisition process.

2. Review findings and recommendations of previous studies of the Materiel Acquisition Process.

3. Develop case studies of at least six development programs.

4. Visit key installations and activities.

5. Study related activities of NASA, AEC, Navy, Air Force, large Industrial Corporations, and foreign governments including the Soviet Union.

6. Conduct face-to-face interviews with key personnel in the Army and other organizations, to include Department of Defense, General Accounting Office, Congressional Committee Staff, etc.

7. Review input-output analyses of each Army Materiel Command Laboratory (5-year period).

8. Prepare a brief final report integrating findings and recommendations of all teams.

Estimated cost. The estimated 100 day operating cost of the Committee is:

1. Office of the Deputy Committee Director:

Man years—Military: 3 man-years total.

Dept. of the Army Civilians: 3 man-years total.

Contract Civilians: 8 man-years total.

2. The Committee: Less than ⅓ man year total.

Budget—$150,000.

Meetings. The Committee shall meet at least twice within the 100 day period. Study teams shall meet as required.

Operation. The Committee will operate in accordance with P. L. 92-463, E.O. 11686, and implementing OMB and DoD regulations for Federal Advisory Committees.

Committee's Termination date. One year from the date of filing or when its mission is completed, whichever is sooner, or unless prior approval for its continuation is obtained.

Date Charter Filed.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

JANUARY 3, 1974.

[FR Doc.74-535 Filed 1-3-74;11:31 am]

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FRIDAY, JANUARY 4, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 3

PART II

CONSUMER PRODUCT SAFETY COMMISSION

■

CONSUMER PRODUCT SAFETY STANDARDS: REQUIREMENTS AND PROCEDURES

Notice of Proposed Rulemaking

No. 3—Pt. II——1

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1105]

CONSUMER PRODUCT SAFETY STANDARDS: REQUIREMENTS AND PROCEDURES

Notice of Proposed Rulemaking

Proposed herein are the Consumer Product Safety Commission's rules for (1) the submission of existing standards, (2) the submission of offers to develop consumer product safety standards, and (3) the actual development of consumer product safety standards by organizations or individuals whose offers have been accepted. Also proposed are the requirements for cost contributions by the Commission toward the development of standards.

The rules the Commission will use to accomplish the development of safety standards are considered to be very important to the general public and the concerned organizations and the affected industries.

The Commission concludes that draft rules should be published as a proposal so that the public, including consumers and others, can comment on the reasonableness, appropriateness, and clarity of the rules. Public comment is therefore invited and the Commission will fully consider submitted comments before finalizing these rules.

Accordingly, under the provisions of the Consumer Product Safety Act (sec. 7, Public Law 92–573, 86 Stat. 1212–15; 15 U.S.C. 2056), the Consumer Product Safety Commission hereby proposes 16 CFR Part 1105 as follows:

PART 1105—SUBMISSION OF EXISTING STANDARDS; OFFERS TO DEVELOP STANDARDS; AND THE DEVELOPMENT OF STANDARDS

Sec.

1105.1 General policy considerations.
1105.2 Summary of time sequence for the development of standards.
1105.3 Commencement of proceedings.
1105.4 Submission of existing standards.
1105.5 Submission of offers.
1105.6 Acceptance of offers.
1105.7 Development of recommended consumer product safety standards.
1105.8 Recommended consumer product safety standards developed by offerors.
1105.9 Contributions to the offeror's cost.

AUTHORITY: Sec. 7, Pub. L. 92–573, 86 Stat. 1212–15; 15 U.S.C. 2056.

§ 1105.1 General policy considerations.

(a) The general policy under which these procedures are issued is that the interest and participation of the public is vital for carrying out the functions of the Consumer Product Safety Commission. Commission activities and deliberations with respect to the development of safety standards will be open to the public and will afford any interested person the opportunity to participate and be heard.

(b) One of the major objectives of the Consumer Product Safety Act is to reduce unreasonable risks of injury associated with the use of consumer products by developing "consumer product safety standards" for those products. "Consumer product safety standards" will consist of (1) requirements as to safety performance, composition, contents, design, construction, finish, or packaging of a consumer product, or (2) requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions, or requirements respecting the form of warnings or instructions, or (3) any combination of paragraph (b) (1) and (2) of this section. Requirements other than those relating to labeling, warnings, or instructions, shall, whenever feasible, be expressed in terms of performance requirements.

(c) Under the act, consumer product safety standards may be issued in two ways. First, the Commission, after publishing a notice of proceeding in the FEDERAL REGISTER, is authorized to publish as a proposed standard, an existing standard which has been previously issued or adopted by a qualified public or private agency or organization. Second, if the Commission determines that there is no acceptable existing standard, it is authorized to accept offers from one or more persons or organizations to develop a new standard.

(d) Since safety standards are intended to eliminate or reduce unreasonable risks of injury associated with the use of consumer products, the Commission, in issuing these rules, seeks the involvement of all interested persons, the general public, and especially, ultimate consumers. Ultimate consumers and their representatives, as well as all other interested persons, are invited and encouraged to become involved by submitting offers to develop standards and by actively participating in the development of a standard by another offeror.

(e) Persons who are not members of an established organization may form an organization for the express purpose of submitting offers and developing standards; such groups are referred to in these rules as "ad hoc associations."

(f) Public involvement will be encouraged through the use of extensive public notice. In addition to providing notice in the FEDERAL REGISTER, the Commission will issue a press release at the initiation of a proceeding. This release will invite any person to submit an existing standard or an offer to develop a standard. A press release will also be issued at the time an offer is accepted. This second press release will invite all interested persons to participate in the development of a standard and will describe the method by which interested persons, including ultimate consumers, may participate.

(g) The act enables the Commission to contribute to the offeror's cost in developing a standard in any case in which the Commission determines that a contribution is likely to result in a more satisfactory standard. The Commission views this provision in the act as a means by which a variety of organizations will be able to develop standards. The Commission also views this provision as a means by which a cross section of interested persons, including consumers, can participate in the development of standards.

(h) The act provides that the invitation for the submission of offers to develop a standard shall state the period of time during which the standard is to be developed. Congress anticipated that this period would normally end 150 days after the publication of this invitation. The act also provides that the Commission may extend or shorten the period for development if it finds for good cause that a different period of time is appropriate either at the time of the invitation or at a later time. The Commission expects to receive standards that will, if adopted, appropriately reduce the unreasonable risks of injury to the public. The Commission will adopt a reasonable approach to determining the amount of time necessary to develop standards. The Commission believes, however, that as a general rule, the public interest is best served by the development of standards in the shortest possible time.

§ 1105.2 Summary of time sequence for the development of standards.

The notice of proceeding inviting the submission of existing standards and the submission of offers to develop standards will specify a period of time during which the standard is to be developed and submitted to the Commission. The act specifies that this period will end 150 days after the publication of the notice, unless the Commission for good cause finds, and includes such finding in the notice, that a different period is appropriate. Under the act, persons must submit their existing standards or offers to develop standards to the Commission within 30 days after the date of publication of the "notice of proceeding." The Commission will evaluate the submissions and will normally publish a summary of the terms of any accepted offer or offers within 60 days after the date of publication of the notice of proceeding. In submitting an offer to develop a standard, each offeror is required to include a realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the development period. In accepting an offer and publishing a notice of the summary of the terms of each accepted offer, the Commission will either reaffirm the original period of time for the development of the standard, or, for good cause stated, establish and publicize a new period of time for the development of the standard. The standard, with all required acompanying information, must then be submitted to the Commission within the specified time, unless the Commission grants an extension and publishes a notice in the FEDERAL REGISTER stating its reasons for the extension.

§ 1105.3 Commencement of proceedings.

(a) A proceeding for the development of a consumer product safety standard shall be commenced by the publication of a notice in the FEDERAL REGISTER which shall:

(1) Identify the product and clearly describe the nature of the risks of injury associated with the product;

(2) State the Commission's determination that a consumer product safety standard is necessary to eliminate or reduce the specified unreasonable risks of injury associated with the product;

(3) Include information with respect to any existing domestic, foreign, or international standard known to the Commission which may be relevant to the proceeding;

(4) Include an invitation for any standards-writing organization, trade association, consumer organization, technical society, testing laboratory, university or college department, wholesale or retail organization, Federal, State, or local government agency, engineering or research and development establishment, ad hoc association, or any company or person, within 30 days after the date of publication of the notice:

(i) To submit to the Commission an existing standard as the proposed consumer product safety standard; or

(ii) To offer to develop a proposed consumer product safety standard.

(5) Include, to the extent known; any requirement for additional information which is to be submitted with either an existing standard or a standard to be developed by an offeror.

(6) Specify the period of time during which the standard is to be developed and submitted to the Commission.

(b) The Commission will, for the purpose of providing greater public awareness of its actions, issue a press release concerning the initiation of the proceeding. The press release will summarize the information contained in the FEDERAL REGISTER notice, including the invitation to any interested organization or person to submit an existing standard or to offer to develop a proposed consumer product safety standard.

§ 1105.4 Submission of existing standards.

(a) Any standards-writing organization, trade association, consumer organization, technical society, testing laboratory, university or college department, wholesale or retail organization, Federal, State, or local government agency, engineering or research and development establishment, ad hoc association, or any company or person may submit a standard previously issued or adopted by any private or public organization or agency, domestic or foreign, or any international standards organization, that contains safety-related requirements which the person believes would be adequate to prevent or reduce the unreasonable risks of injury associated with the product identified by the Commission.

(b) Any submission of an existing standard should:

(1) To the extent possible, meet the requirements for standards developed by offerors as specified in § 1105.8; and

(2) Be accompanied by a description of the procedures used to develop the standard and a listing of the persons and organizations that participated in the development and approval of the standard.

§ 1105.5 Submission of offers.

(a) Any standards-writing organization, trade association, consumer organization, technical society, testing laboratory, university or college department, wholesale or retail organization, Federal, State, or local government agency, engineering or research and development establishment, ad hoc association, or any company or person may submit an offer to develop a proposed consumer product safety standard. Each offer shall include a detailed description of the procedure the offeror will utilize in developing the standard. Each offer shall also include:

(1) A description of the plan the offeror will use to give adequate and reasonable notice to interested persons (including individual consumers, manufacturers, distributors, importers, testing laboratories, Federal and State agencies, educational institutions, and consumer organizations), of their right and opportunity to participate in the development of the standard;

(2) A description of the method whereby interested persons who have responded to the notice may participate, either in person or through correspondence, in the development of the standard; and

(3) A realistic estimate of the time required to develop the standard, including a detailed schedule for each phase of the standard development period.

(b) Each offeror shall submit with the offer the following information to supplement the description of the standard development procedure:

(1) A statement listing the number and occupations of the personnel, including voluntary participants, the offeror intends to utilize in developing the standard and the educational and experience qualifications of these personnel relevant to the development of the standard; and

(2) A statement describing the type of facilities or equipment which the offeror plans to utilize in developing the standard and how the offeror plans to gain access to the facilities or equipment.

(c) Persons who are not members of an established organization may form an organization for the express purpose of submitting offers and developing standards. These organizations are referred to as "ad hoc associations." An offer by an ad hoc association may be submitted by an individual member if the offer states that it is submitted on behalf of the members of the association. Prior to acceptance of an offer from an ad hoc association, the individual member submitting the offer shall submit to the Commission a notarized copy of a power of attorney from each member of the association authorizing the individual member to submit an offer on behalf of each other member.

§ 1105.6 Acceptance of offers.

(a) If the Commission does not publish an existing standard as a proposed consumer product safety rule, the Commission will, normally within 60 days of the date of publication of the notice of proceeding, accept one or more offers to develop a proposed consumer product safety standard if it determines that an offeror is technically competent, is likely to develop an appropriate standard within the period specified in the notice of proceeding or within the period determined by the Commission to be necessary and appropriate for the development of the standard, and will comply with all of the requirements of the Commission for the development of the standard. An offeror will be considered to have technical competence if the offer submitted indicates to the satisfaction of the Commission (1) that the offeror has demonstrated a thorough understanding of the problem, (2) that the offeror has provided a rational approach to the solution of that problem, and (3) that persons with appropriate technical expertise or experience will be utilized in the development of the standard either as employees, consultants, or volunteers.

(b) In accepting an offer to develop a standard, the Commission may require a modification of the offer as a condition of acceptance.

(c) The Commission shall publish in the FEDERAL REGISTER the name and address of each person whose offer it accepts and a summary of the terms of each accepted offer including the date established for the submission of the standard.

(d) If the Commission does not publish an existing standard as the proposed consumer product safety rule and does not accept an offer to develop a proposed consumer product safety rule, the Commission may independently develop a proposed consumer product safety rule. Notice of this decision will be published in the FEDERAL REGISTER.

(e) The Commission, at or near the time of the FEDERAL REGISTER acceptance notice, will issue a press release which:

(1) Identifies each person whose offer has been accepted;

(2) Summarizes the terms of each accepted offer including the date established for the submission of the standard; and

(3) Invites all interested persons to participate in the development of the standard and informs them of how they may participate.

(f) In any case in which the sole offeror whose offer is accepted is the manufacturer, distributor, or retailer of the consumer product proposed to be regulated by the consumer product safety standard, the Commission may independently proceed to develop proposed standards during the development period.

(g) All persons submitting offers to develop standards, whose offers have not been accepted, will be notified of this fact in writing by the Commission.

§ 1105.7 Development of recommended consumer product safety standards.

(a) The offeror shall comply with all Commission requirements for the development of standards and with all terms of the acceptance and shall cooperate with Commission liaison personnel assigned to monitor the development of the standard.

(b) In developing a standard, the offeror shall use the method agreed upon for interested persons to participate in the development of the standard and shall fully consider all of the suggestions and contributions of the respective participants. The offeror, after considering all suggestions and contributions, shall draft a standard. The draft standard shall be sent to all participants and to other appropriate persons (including a

representative number of manufacturers or wholesalers and importers of the product proposed to be regulated and consumers) for their review and concurrence. Unanimity among all participants and appropriate persons shall not be a prerequisite to the submission by the offeror to the Commission of a standard which, in the offeror's judgment, optimally meets the terms of the offer accepted by the Commission.

The offeror shall maintain complete written records of the development of the standard. These records shall include:

(1) The names, addresses, and titles, if any, of all persons contacting the offeror for the purpose of participating in the development of the standard;

(2) All written comments and any other information submitted by any person in connection with the development, including the dissenting views of participants, and comments and information with respect to the need for the standard;

(3) An evaluation by the offeror of all of the comments received by the offeror during the development of the standard;

(4) A statement of the economic and environmental factors considered during the development of the standard; and

(5) Records of all other matters relevant to the development and evaluation of the standard.

These records shall be submitted to the Commission at the termination of the development period. The Commission will make these records available for public inspection and will supply copies upon request, subject to the provisions of the Freedom of Information Act (5 U.S.C. 552), section 6 of the Consumer Product Safety Act (15 U.S.C. 2055), and regulations relating to the availability of Commission records.

(d) The offeror shall provide progress reports as may be required by the Commission. The offeror shall cooperate fully with the Commission and permit the inspection of its facilities and developmental activities by duly authorized representatives of the Commission for the purpose of determining whether satisfactory progress is being made toward the completion of the standard. The offeror shall be considered to be making satisfactory progress if the Commission concludes that the standard may reasonably be expected to be completed in accordance with the provisions of the accepted offer by the end of the development period.

(e) If it appears to the Commission that an offeror is not making satisfactory progress, the offeror will be given the opportunity to demonstrate ability and willingness to complete the development of the standard by the end of the development period. If the offeror cannot so demonstrate, the Commission, after due notice, may terminate the offeror's role in the development process and require the offeror to submit to the Commission all information, records, and documents which pertain to the development of the standard. If the Commission terminates the offeror's role in the development process, the offeror shall remit all funds contributed by the Commission which have not been expended.

(f) If the Commission determines that no offeror whose offer was accepted is able to make satisfactory progress, the Commission may terminate the development proceeding, publish a notice of the decision to terminate in the FEDERAL REGISTER, and independently develop a proposed standard or contract with third parties for the development of a proposed standard.

(g) The offeror shall submit with the standard, test instruments or devices constructed or acquired to perform compliance tests if the Commission determines that these instruments or devices are necessary for the evaluation of the standard. In such a case, the instrument or device shall be sold to the Commission at the offeror's cost. If the Commission does not purchase the instrument or device, or if the offeror does not loan the instrument or device to the Commission, the offeror shall submit detailed descriptions or plans and specifications for the acquisition or construction of these instruments or devices.

§ 1105.8 Recommended consumer product safety standards developed by offerors.

(a) Recommended standards shall be submitted in the format prescribed by the Commission. They shall be supported by test data or other documents or materials which the Commission requires. Recommended standards shall also, where the Commission considers it to be appropriate, contain suitable test methods and reasonable testing programs. Test methods for the measurement of compliance with proposed standards shall be reasonably capable of being performed by persons subject to the act or by private testing facilities. Test programs shall, where the Commission considers it to be appropriate and so states in the FEDERAL REGISTER notice of the acceptance of the offer, include sampling plans which define sample size, sampling procedures, acceptance and rejection numbers and/or criteria, and the quantities of products to be represented by each acceptance test.

(b) A recommended standard must be suitable for promulgation under the act. To be considered suitable, a standard shall be written in a manner appropriate for use as a federal mandatory standard as specified in the format established by the Commission. Recommended standards shall consist of one or more of any of the following:

(1) Requirements as to those aspects of performance, composition, contents, design, construction, finish, or packaging which may affect the safety of the consumer product or products involved.

(2) Requirements that a consumer product be marked with or accompanied by clear and adequate warnings or instructions.

(c) Each requirement of a standard shall be supported by:

(1) An analysis demonstrating that the requirement is reasonably necessary to prevent or reduce the unreasonable risks of injury identified in the notice of proceeding; and

(2) A statement explaining why the requirement is in the public interest.

(d) Each requirement of a standard, other than requirements relating to labeling, warnings, or instructions, shall, whenever feasible, be expressed in terms of performance. Whenever the requirements are not expressed in terms of performance, an explanation shall be provided to support the use of the nonperformance requirements.

(e) The offeror shall, in submitting a recommended standard, include data and information to demonstrate that compliance with the standard would be technologically practicable. The offeror shall also submit, to the extent that it can reasonably be obtained, data and information on the potential economic effect of the standard, including the potential effect on international trade. The economic information should include data indicating the types and classes as well as the approximate number of consumer products which would be subject to the standard, the probable effect of the standard on the utility, cost, and availability of the products, and any potential adverse effects of the standard on competition or disruption or dislocation of manufacturing and other commercial practices. Further, the offeror shall include information, to the extent that it can reasonably be obtained, concerning the potential environmental impact of the standard.

§ 1105.9 Contributions to the offeror's cost.

(a) The Commission may, in accepting an offer, agree to contribute to the offeror's cost in developing a proposed consumer product safety standard in any case in which the Commission determines:

(1) That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

(2) That the offeror is financially responsible.

(b) In order to be eligible to receive a financial contribution, the offeror, in addition to furnishing the information required under § 1105.5, must submit:

(1) A request for a specific contribution with an explanation as to why the contribution is likely to result in a more satisfactory standard than would be developed without a contribution;

(2) A statement asserting that the offeror will employ an adequate accounting system (one in accordance with generally accepted accounting principles) to record standard development costs and expenditures; and

(3) A request for an advance payment of funds, if necessary to enable the offeror to meet operating expenses during the development period.

(c) The offeror should normally finance at least 5 percent of the total project cost. If the offeror, however, has little or no nonfederal sources of funds from which to make a cost contribution, the requirement for cost sharing may be waived by the Commission.

(d) The Commission, in publishing the terms of the accepted offer, shall include a statement of the purpose and amount of the Commission's contribution.

(e) The offeror whose offer has been accepted shall, for a period of 3 years after final payment under the development agreement, maintain records which fully disclose the total cost and expenditures for the project, and such other records which will facilitate an effective audit. The Commission and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access, for the purpose of audit and examination, to any books, documents, papers, and records relevant to the development of the standard.

(f) The Commission, based upon a finding after an informal hearing, that all or part of the Commission's contribution has been or is being misused, may seek reimbursement of that part of the contribution which has been or is being misused, and shall have the right, after due notice, to terminate the development agreement and to discontinue payments towards the contribution. For the purpose of this part, "misuse of a contribution" means a use other than that agreed upon in writing by the parties.

(g) The items of cost toward which the Commission may contribute are those allowable direct and indirect costs allocable to the development project (as set forth in the applicable subparts of 41 CFR Part 1–15, Federal Procurement Regulations). The Commission may contribute to the costs of assuring adequate consumer participation in the development of the standard.

(h) The items of cost toward which the Commission will not contribute include:

(1) Costs for the acquisition of any interest in land or buildings; however, the Commission may contribute toward the lease or rental of land or buildings;

(2) Costs for the payment of salaries in excess of the salaries paid by the offeror to individuals at the time immediately preceding the offer;

(3) Costs for the payment of items in excess of the offeror's actual cost;

(4) Costs for items having a useable lifespan in excess of the development period, except that a contribution may be made toward the proportionate value of the item during the development period determined by subtracting the item's estimated market value at the termination of the development period from the actual acquisition cost (the cost of items purchased by the Commission under § 1105.7(g) cannot be included in the Commission's contribution); and

(5) Costs determined not to be allowable under generally accepted accounting principles and practices or 41 CFR Part 1–15, Federal Procurement Regulations.

(i) Offerors who have received contributions from the Commission shall submit to the Commission a full accounting of these contributions and shall remit all amounts not expended within 60 calendar days after the offeror submits the standard.

Interested persons are invited to submit, on or before February 4, 1974, written comments regarding this proposal. Comments and any accompanying material should be submitted, preferably in 5 copies, addressed to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the Office of the Secretary, tenth floor, 1750 K Street NW., Washington, D.C., during working hours Monday through Friday.

Dated: December 19, 1973.

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

[FR Doc.74-37 Filed 1-3-74;8:45 am]

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PART III

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

■

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

Title 50—Wildlife and Fisheries

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

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

By notice of proposed rulemaking published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208–10234), it was proposed to revise and restructure Subchapter B of Chapter I of Title 50.

Since evaluation of comments, suggestions, and objections to the proposed rulemaking of April 25, 1973, referred to above took considerable time, it was decided to adopt the proposed changes in Subchapter B in segments, rather than republish it in its entirety. Further it was necessary to publish additional proposed rulemaking as substantive changes were developed.

Accordingly, in the FEDERAL REGISTER on July 5, 1973 (38 FR 17841), Subchapter B of 50 CFR, Chapter One, was retitled and Part 20—Migratory Bird Hunting, was added reserving Subparts A through K and M, and publishing only Subpart L—Administrative and Miscellaneous Provisions. Subpart K—Annual Season, Limit, and Shooting Hours Schedules, was published in part in the FEDERAL REGISTER on August 1, 1973, 38 FR 20456).

In the FEDERAL REGISTER on August 15, 1973 (38 FR 22015), the remainder of Part 20 was adopted and Subpart L republished. Subpart K of Part 20 was not republished as it was to be further modified. In this same FEDERAL REGISTER publication, Part 10 was retitled "General Provisions," amended, and adopted. In summary, final rulemaking to date has retitled Subchapter B and adopted new Parts 10 and 20. The rulemaking contained herein will complete the restructuring and revision of Subchapter B with the exceptions indicated below. This rulemaking adopts new titles for the following parts and completely amends such parts to read as set forth herein:

Part 11—Civil Procedures.
Part 12—Seizure and Forfeiture Procedures.
Part 13—General Permit Procedures.
Part 14—Import, Export and Interstate Transportation of Wildlife.
Part 15—Feather Import Quotas.
Part 16—Injurious Wildlife.
Part 17—Endangered Wildlife.
Part 19—Airborne Hunting.
Part 21—Migratory Bird Permits.
Part 22—Eagle Permits.

This rulemaking differs from the proposed rulemaking of April 25, 1973, refered to above, and other proposed rulemakings as set forth below, in several ways which are, in the main, conforming, editorial, and generally cosmetic in nature. However, other substantive changes also have been made and are generally discussed below.

Part 10, General Provisions—Regulations made effective on August 15, 1973, established a rule of construction applicable to regulations then or thereafter published in 50 CFR Subchapter B, that such regulations are to be prospectively applied. 50 CFR 10.4 (38 FR 22015). To clarify that rule as applied to appeal provisions of the civil penalty procedures set forth in Part 11 of these regulations (§ 11.25), it is necessary that § 10.4(a) be amended at this time.

Part 11—When Part 11 was proposed on April 25, it contained a Subpart C-Holding, Return, and Disposal of Seized Property. It is now determined to create a new Part 12 for these rules. The April 25th proposal did not address the question whether intra-departmental appeals from the decisions of administrative law judges should be as a matter of right, or whether they should be granted at the discretion of the appellate officials. The Department recognizes the necessity for arriving at standards for review of an administrative law judge's decision and for establishing appropriate grounds for appeal. Until such time as those standards and grounds are arrived at, the Department has adopted a discretionary appeal by "certiorari" provision. [See § 11.25.]

Part 12—As indicated above, Part 12 has been established to deal with the seizure and forfeiture procedures formerly proposed in Part 11. Subpart C of this Part has been reserved to provide for later rules dealing with forfeitures under the Bald Eagle Protection Act and the Fish and Wildlife Act of 1956.

Part 13—Part 12 in the April 25th notice of proposed rulemaking has been redesignated as Part 13 to allow for the new Part 12-Seizure and Forfeiture Procedures. Part 13 provides uniform rules and procedures relative to the application, issuance, renewal, conditions, revocations, and general administration of permits issuable pursuant to this subchapter. A change in the April proposal was made to accommodate those unforeseen situations which would make it impossible to submit an application in writing for a permit. This is accomplished by adding paragraph (c) to § 13.21, which authorizes issuance of a permit if certain specified requirements are met. Another change is in § 13.26(a)(1) relative to the right of succession of permitted activities. The proposed rule would have provided for succession to pass to the surviving spouse or child, among others. It was decided that better permit administration would be realized if that provision was reworded to exclude the surviving spouse or child, but authorize executor, administrator, or other legal representative, to continue the permitted activity for an interim period during the probate of the estate.

Also § 13.51, relative to the suspension or revocation of a permit (except in cases of willful violation or in cases where public health or safety requires), has been reworded to conform more closely with 5 U.S.C. 558.

Part 14—This part was originally proposed as Part 13 and has been moved to Part 14 to make room for a new Part 12 as discussed above. Previously, the regulations required that documentation from the country of origin or the country of export must accompany shipments of wildlife if foreign law or regulations restrict taking, possession, transportation, exportation, or sale of such wildlife, in order to establish that the foreign law and regulations have not been violated. Appropriate documents may be required by the owner, importer, or consignee to show that such laws or regulations have not been violated. This change will expedite shipments and is made in the interest of the welfare of the wildlife and to avoid undue delays. In cases where an import permit is not required by this Subchapter, appropriate documents *may* be required, under the new § 14.41, of the owner, importer, or consignee to show that such laws or regulations of the foreign country have not been violated. When an import permit is required under this subchapter, the compliance with foreign law must have been demonstrated prior to the issuance of the permit and the permit must have been issued prior to importation.

Part 15—In the April 25th proposal this part was designated Part 14. It is now adopted as Part 15 to allow for new Part 12 as discussed above. No substantive changes, differing from the proposal, are contained in this part.

Part 16—A notice of proposed rulemaking was published in the FEDERAL REGISTER on December 20, 1973 (38 FR 34970) to completely revise Part 16. The preamble to that proposed rulemaking fully sets forth the scope and purpose of the proposed revisions and the reasons therefor. At least 60 days will be provided during which the interested public may submit written data, views, or arguments with respect thereto. Also, at least 3 public hearings will be held, providing opportunity for submission of oral or written comments. Specific dates, times, and location of each of these meetings will be published in the FEDERAL REGISTER and will allow at least 60 days between the date of the notice and the first such meeting. However, in order to adopt the new structure and modifications of Subchapter B as contained herein, it is necessary at this time to recodify former Part 13—Importation of Wildlife or Eggs Thereof, to Part 16—Injurious Wildlife. In addition, current Part 13 is hereby restructured and amended to conform with the other provisions of Subchapter B. No substantive changes are made in this part from the rules as they previously existed in Part 13—Importation of Wildlife or Eggs Thereof.

Part 17—An additional requirement to § 17.23 provides for the inclusion, in an application for a permit, of a description of the type, size, and construction of the container, and arrangements for feeding, watering, and otherwise caring for wildlife in transit; and of the arrangements for caring for the wildlife upon importation into the United States.

Part 18—Regulations adopted by publication in the FEDERAL REGISTER on December 21, 1972 (37 FR 28173–28177), remain in effect, and are not affected by their publication; *except* for Subpart F, which is hereby revoked. Procedures contained in former Subpart F appear in Parts 11 and 12. Proposed amendments to Part 18 were published in the FEDERAL

REGISTER on August 16, 1973 (38 FR 22143–22149), and the comment period on these proposals has expired. However, evaluation of the comments has not been completed and any substantive changes in Part 18 will be made in a later publication.

Part 19—By publication in the FEDERAL REGISTER of August 28, 1973 (38 FR 22967), notice was given that a new Part 19–Airborne Hunting, was proposed to be added and comments were invited to October 19, 1973. All comments and other relevant matter received having been considered, it is determined that Part 19 should be added at this time. Only minor changes in wording have been made with respect to permits which will facilitate administration and understanding of this part.

Part 21—By publication in the FEDERAL REGISTER of October 19, 1972 (37 FR 22633), an interim rule was established concerning falconry. That rule has remained in effect and it has been determined to codify that rule on an interim basis in § 21.28 Falconry permits. In addition, by publication in the FEDERAL REGISTER of July 30, 1973 (38 FR 20264), notice was given that it was proposed to add to Subpart C of Part 21 regulations concerning permits for falconry. This was proposed in § 21.28 Falconry permits. Subsequently, the comment period was extended to September 30, 1973. Because of the wide interest in falconry and falconry permit regulations, it has been determined that a revised proposed rulemaking should be published and additional comments concerning that revised proposed rulemaking should be invited to give the interested public ample opportunity to participate in the rulemaking process. Accordingly, the text of § 21.28 Falconry permits, is hereby adopted to include the current existing rule. However, it should be recognized that further proposed rulemaking will be forthcoming to provide for a system of falconry permits.

Part 22—Because of the difference in statutory definitions, § 22.3 has been added in this Part to incorporate the definition of "take" in the Bald Eagle Protection Act. Also, § 22.23 is reworded to clarify procedures relative to depredating golden eagles when relief is requested by the Governor of any State for the protection of domestic flocks and herds. Section 22.24 is reserved to provide for contemplated falconry regulations, which will be published at a later date. Accordingly,

PART 18—MARINE MAMMALS

Subpart F [Revoked]

1. Subpart F—Procedures for Civil Violations, of Part 18—Marine Mammals, is hereby revoked.

PART 10—GENERAL PROVISIONS

2. Part 10—General Provisions, is revised by amending section 10.4(a) to read as follows:

§ 10.4 When regulations apply.

* * * * *

(a) *Civil penalty proceedings.* Except as otherwise provided in section 11.25, the civil penalty assessment procedures contained in this Subchapter B shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

* * * * *

3. All comments and other relevant material presented having been considered, Parts 11, 12, 13, 14, 15, 16, 17, 19, 21 and 22, are recodified, revised, amended and added to Chapter One, Subchapter B, Title 50 CFR as follows:

Part 11—Civil Procedures
Part 12—Seizure and Forfeiture Procedures
Part 13—General Permit Procedures
Part 14—Import, Export, and Interstate Transportation of Wildlife
Part 15—Feather Import Quotas
Part 16—Injurious Wildlife
Part 17—Endangered Wildlife
Part 19—Airborne Hunting
Part 21—Migratory Bird Permits
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PART 11—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
11.1 Purpose of regulations.
11.2 Scope of regulations.
11.3 Filing of documents.

Subpart B—Assessment Procedure

11.11 Notice of violation.
11.12 Petitions for relief.
11.13 Decision by the Director.
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11.15 Request for a hearing.
11.16 Final administrative decision.
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Subpart C—Hearing and Appeal Procedure

11.21 Commencement of hearing proceedings.
11.22 Appearance and practice.
11.23 Hearings.
11.24 Final administrative decision.
11.25 Appeals.
11.26 Reporting service.

AUTHORITY: Lacey Act, 83 Stat. 279–281, 18 U.S.C. 42–44; Bald Eagle Protection Act, sec. 2, 54 Stat. 251, 16 U.S.C. 668a; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278, 16 U.S.C. 668cc–4; Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042, 16 U.S.C. 1382.

Subpart A—Introduction

§ 11.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the Bureau.

§ 11.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Lacy Act, 18 U.S.C. 43;
Bald Eagle Protection Act, 16 U.S.C. 668–668d;
Endangered Species Conservation Act of 1969, 16 U.S.C. 668cc–1 to 668cc–6; and Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1384 and 1401–1407.

§ 11.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this Part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this Part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this Part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

Subpart B—Assessment Procedure

§ 11.11 Notice of violation.

(a) A notice of violation (hereinafter "notice"), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 11.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) undertake informal discussions with the Director;

(2) accept the proposed penalty, or the compromise, if any, offered in the notice;

(3) file a petition for relief; or

(4) take no action, and await the Director's decision, pursuant to § 11.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 11.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 11.12 Petition for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director's allegations of facts, by filing a petition for relief [hereinafter "petition"] with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

§ 11.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 11.11 or § 11.12, or upon further request of the Director.

§ 11.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to § 11.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 11.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided in § 11.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in § 11.14, file a dated, written request for a hearing with the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. The request should state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 11.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in § 11.15 the Director's assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with § 11.15, the date of the final administrative decision in the matter shall be as provided in Subpart C of this part.

§ 11.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this Part 11, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the Solicitor of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Hearing and Appeal Procedures

§ 11.21 Commencement of hearing procedures.

Proceedings under this subpart are commenced upon the timely filing with the Hearings Division of a request for a hearing, as provided in § 11.15 of Subpart B. Upon receipt of a request for a hearing, the Hearings Division will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 11.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the Solicitor of the Department shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to Subpart B of this Part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

§ 11.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. Sections 554–557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 11.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with § 11.25 of this Subpart C, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 11.25 Appeal.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to January 1, 1974, by the filing of a "Notice of Request for Appeal" with the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203, within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Director, Office of Hearings and Appeals, shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of Subpart G of the Department Hearings and Appeals Procedures in 43 CFR Part 4 shall apply to appeal proceedings under this Subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 11.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in Subpart A of this Part and rendered subsequent to June 3, 1970, may be obtained by letter of request addressed to the Director, Office of Hearings and Appeals, United States Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Fees for this service shall be as established by the Director of that Office.

PART 12—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—Introduction

Sec.
12.1 Purpose of regulations.
12.2 Scope of regulations.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

12.11 Notification of seizure.
12.12 Seizure by Customs.
12.13 Bonded release.
12.14 Return of seized wildlife or other property.
12.15 Abandonment provisions.

Subpart C—[Reserved]

AUTHORITY: Lacey Act, 83 Stat. 279–281 (18 U.S.C. 42–44); Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278 (16 U.S.C. 668cc–4); Bald Eagle Protection Act, sec. 2, 54 Stat. 251 (16 U.S.C. 668a); Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042 (16 U.S.C. 1382); Fish and Wildlife Act of 1956, sec. 13, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742j–1).

Subpart A—Introduction

§ 12.1 Purpose of regulations.

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the Bureau are subject to seizure and forfeiture.

§ 12.2 Scope of regulations.

(a) The regulations contained in Subpart B of this Part apply only to actions arising under the following laws and regulations issued thereunder:

Lacey Act, 18 U.S.C. 43;
Endangered Species Conservation Act of 1969, 16 U.S.C. 668cc–1 to 668cc–6; and Marine Mammal Protection Act of 1972, 16 U.S.C. 1361–1384 and 1401–1407.

(b) The regulations contained in Subpart C of this Part apply only to actions arising under the following laws and regulations issued thereunder:

Bald Eagle Protection Act, 16 U.S.C. 668–668d; and
Fish and Wildlife Act of 1956, 16 U.S.C. 741j–1.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

§ 12.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Director shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 12.12 Seizure by Customs.

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the appropriate Special Agent in Charge (See § 10.22 of this subchapter), or his designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 12.13 Bonded release.

The Director may, in his sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to $10,000 per offense and shall only be allowed where the Director determines either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

§ 12.14 Return of seized wildlife or other property.

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Director shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 12.15 Abandonment provisions.

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar Bureau form) may be given or sent, with the notification required by § 11.11 or by § 12.11, to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forfeiture form. Such abandonment will be considered by the Director in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 11 of this Subchapter B.

Subpart C—[Reserved]

PART 13—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Sec.
13.1 General.
13.2 Purpose of regulations.
13.3 Scope of regulations.
13.4 Emergency variation from requirements.

Subpart B—Application for Permits

13.11 Procedure for obtaining a permit.
13.12 Information requirements on permit applications.
13.13 Abandoned application.
13.14 Insufficient fee.

Subpart C—Permit Administration

13.21 Issuance of permits.
13.22 Duration of permit.
13.23 Amendment of applications or permits.
13.24 Renewal of permit.
13.25 Permits not transferable; agents.
13.26 Right of succession by certain persons.
13.27 Change of mailing address.
13.28 Change in name.
13.29 Official endorsement of changes required.
13.30 Certain continuancy of activity.
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Subpart D—Conditions

13.41 Recall and amendment of permit during its term.
13.42 Permits are specific.
13.43 Alteration of permits.
13.44 Display of permit.
13.45 Filing of reports.
13.46 Maintenance of records.
13.47 Inspection requirement.

Subpart E—Violations of the Permit

13.51 Penalties for violation of a permit; notice; demonstration of compliance.

AUTHORITY—Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281 (18 U.S.C. 42–44); Black Bass Act, sec. 5, 44 Stat. 576, as amended, 46 Stat. 846 (16 U.S.C. 852c); Migratory Bird Treaty Act, sec. 3, 40 Stat. 755 (16 U.S.C. 704); Bald Eagle Protection Act, sec. 2, 54 Stat. 251 (16 U.S.C. 668a); Tariff Classification Act of 1962, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States;" 54 Stat. 251; Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278 (16 U.S.C. 668cc–4); Fish and Wildlife Act of 1956, sec. 13(d), 86 Stat. 905 amending 85 Stat. 480 (16 U.S.C. 742j–1); Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042 (16 U.S.C. 1382); Act of August 31, 1951, Ch. 376, Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

Subpart A—Introduction

§ 13.1 General.

Each person intending to engage in an activity for which a permit is required by this Subchapter B shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by this Subchapter B must make application for such permit in accordance with the requirements of this Part 13 and the other regulations in this Subchapter B which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one Part of this Subchapter B, the requirements of each Part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

§ 13.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, revocation, and general administration of permits issuable pursuant to this Subchapter B.

§ 13.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of this subchapter B and apply to all permits issued thereunder, including "Import and Marking" (Part 14), "Feather Imports" (Part 15), "Injurious Wildlife" (Part 16), "Endangered Wildlife" (Part 17), "Marine Mammals" (Part 18), "Migratory Birds" (Part 21), and "Eagles" (Part 22).

§ 13.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of this Subchapter B, and will not be unlawful.

Subpart B—Application for Permits

§ 13.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted on an appropriate Bureau application form, except for those applications for which the regulations provide that a letter application which contains all necessary information, attachments, certification, and signature is acceptable. In no case will oral or telephoned applications be accepted.

(b) *Forwarding instructions.*—Applications must be submitted to the Special Agent in Charge of the Law Enforcement District in which the applicant resides, unless otherwise required in the section which applies to the specific permit desired. Persons not residing in the United States must submit applications to the Director. The address of such officials are listed in §§ 10.21 and 10.22 of this subchapter.

(c) *Time requirement.*—Applications must be received by the appropriate official of the Bureau at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. The Bureau will, in all cases, attempt to process applications in the shortest possible time, and most complete and properly addressed applications will be acted on within 30 days. The Bureau does not, however, guarantee 30 day issuance and some permits cannot be issued within that time period.

(d) *Permit fees.*—Applications must be accompanied by a permit fee in the form of a check or money order made payable to "Bureau of Sport Fisheries and Wildlife" for those permits for which a fee is shown on the following schedule. Such permit fees shall not be refunded if that application is denied.

Type of permit:	Fee
Feather import quota (part 15 of this subchapter):	
Importation or entry	$10
Marine mammals permits (part 18 of this subchapter):	
Scientific research	Individual basis.
Public display	Individual bases.

§ 13.12 Information requirements on permit applications.

(a) *General information required for all permit applications.*—All applications for permits must contain the following information:

(1) Applicant's name, mailing address, and phone number;

(2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit;

(3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer;

(4) Location where the permitted activity is to be conducted;

(5) Part and section of this subchapter B under which the permit is requested and such additional information and justification, including supporting documents from appropriate authorities, as required by that section (Paragraph (b) of this section contains a list of sections of this subchapter B where the additional information needed on applications for various permits may be found.)

(6) Where the permitted activity involves an importation from any foreign country which restricts the taking, possession, transportation, exportation or sale of wildlife, the appropriate documentation, as indicated in § 14.42 of this subchapter;

(7) Certification in the following language:

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(9) Date;

(10) Signature of the applicant; and

(11) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.*—As stated in paragraph (a) (5) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of this subchapter B cited after the type of permit for which application is being made:

Type or permit:	Section
Importation at nondesignated ports:	
Scientific	14.31
Deterioration prevention	14.32
Economic hardship	14.33
Marking of package or container:	
Symbol marking	14.83
Feather import quota:	
Importation or entry	15.21
Injurious wildlife:	
Importation or shipment	16.22
Endangered wildlife permits:	
Economic hardship	17.22
Zoological, educational, scientific or propagation	17.23
Marine mammals permits:	
Scientific research	18.31
Public display	18.31
Migratory bird permits:	
Import or export	21.21
Banding or marking	21.22
Scientific collecting	21.23
Taxidermist	21.24
Waterfowl sale and disposal	21.25
Special aviculturist	21.26
Special purpose	21.27
Falconry	21.28
Depredation control	21.41
Eagle permits:	
Scientific or exhibition	22.21
Indian religious use	22.22
Depredation control	22.23
Falconry purposes	22.24

§ 13.13 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned and the permit fee shall not be returned.

§ 13.14 Insufficient fee.

Upon receipt of an application filed with an insufficient fee, or without fee where one is required, the application and any fee submitted will be returned to the applicant.

Subpart C—Permit Administration

§ 13.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 13.4, is inserted into the official file of the Bureau. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 10.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless—

(1) The applicant has been assessed a civil penalty as convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

§ 13.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in this subchapter B, for the period stated on the permit, unless sooner terminated.

§ 13.23 Amendment of applications or permits.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 13.21.

§ 13.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his

original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 13.25 Permits not transferable; agents.

(a) Permits issued under this part are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 13.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 13.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

§ 13.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained in accordance with § 13.23.

§ 13.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided,* That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§ 13.29 Official endorsement of changes required.

Any change in a permit must be made by endorsement of the Director or issuing officer. Any modification or change in an issued permit, other than those specifically provided for in this subpart, may be granted or denied in the discretion of the Director.

§ 13.30 Certain continuancy of activity.

A permittee who furnishes his permit to the issuing official for endorsement or correction in compliance with the provisions of this subpart may continue his operations pending its return.

§ 13.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 13.41 Recall and amendment of permit during its term.

Except for marine mammal permits (See Part 18), all permits are issued subject to the condition that the Bureau reserves the right to recall and amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

§ 13.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 13.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to this Subchapter B be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued.

§ 13.44 Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 13.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of this subchapter B or the provisions of the permit set forth other reporting requirements.

§ 13.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 13.47 Inspection requirement.

Any person holding a permit under this subchapter B shall allow the Director's agent to enter his premises at any reasonable hour to inspect any wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of this subchapter B.

Subpart E—Violations of the Permit

§ 13.51 Penalties for violation of a permit, notice; demonstration of compliance.

(a) Any violation of the applicable provisions of this Subchapter, or of the statute under which the permit was issued, or a condition of the permit, may subject the permittee to the following penalties:

(1) The penalty provided in the statute under which the permit was issued;

(2) Temporary suspension of the permit for a specified period; and

(3) Revocation of the permit. When revoked, permits must be surrendered to the Director on demand.

(b) Except in cases of willfullness or those in which the public health safety or interest requires, and prior to any suspension or revocation of a permit, the permittee shall be given:

(1) Notice by the Bureau in writing of the facts or conduct which may warrant the suspension or revocation; and

(2) Opportunity to demonstrate or achieve compliance with all permit requirements.

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

Subpart A—Introduction

Sec.

14.1 Purpose of regulations.
14.2 Scope of regulations.
14.3 Definition.

Subpart B—Importation at Designated Ports

14.11 General restrictions.
14.12 Designated ports.
14.13 Emergency diversion.
14.14 In-transit shipments.
14.15 Personal and household effects.
14.16 Canadian and Mexican wildlife.
14.17 Oceanic sport fishermen.
14.18 Marine mammals.

Sec.
14.19 Imports into Alaska, Puerto Rico, or the Virgin Islands.
14.20 Exceptions by permit.
14.21 Shellfish and fishery products.
14.22 Tropical, ornamental, and aquarium fish.

Subpart C—Designated Port Exception Permits

14.31 Permits to import wildlife at nondesignated port for scientific purposes.
14.32 Permits to import wildlife at nondesignated ports to minimize deterioration or loss.
14.33 Permits to import wildlife at nondesignated ports to alleviate undue economic hardship.

Subpart D—Foreign Documentation

14.41 Foreign documentation requirement.
14.42 Definition of foreign documentation.
14.43 Exceptions to foreign documentation requirement.

Subpart E—Inspection and Clearance of Importations

14.51 Inspection of imported wildlife.
14.52 Clearance of imported wildlife.
14.53 Clearance procedure.
14.54 Unavailability of Bureau agents.
14.55 Exceptions to clearance requirements.

Subpart F—Declaration for Importation of Wildlife

14.61 Declaration requirement.
14.62 Exceptions to declaration requirement.

Subpart G—Export of Wildlife to Mexico

14.71 Permit to export game mammals to the United Mexican States.

Subpart H—Marking Requirements for Certain Shipments

14.81 Marking package or container.
14.82 Exceptions to the marking requirement.
14.83 Symbol marking permit.

AUTHORITY: Lacey Act, 62 Stat. 687, as amended, 63 Stat. 89, 74 Stat. 753, and 83 Stat. 281 (18 U.S.C. 42–44); Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278 (16 U.S.C. 668cc–4); Marine Mammal Protection Act of 1972, sec. 112(a), 86 Stat. 1042 (16 U.S.C. 1382); Eagle Act, sec. 2, 54, Stat. 251 (16 U.S.C. 668a); Act of August 31, 1951, Ch. 376, Title 5 section 501, 65 Stat. 280 (31 U.S.C. 483a); Black Bass Act, 44 Stat. 576, Sec. 5, as amended, 83 Stat. 281 (16 U.S.C. 852c).

Subpart A—Introduction

§ 14.1 Purpose of regulations.

The regulations contained in this Part provide uniform rules and procedures for the importation, exportation, and interstate transportation of wildlife.

§ 14.2 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 13.)

§ 14.3 Definition.

In addition to definitions contained in Part 10 of this subchapter, and unless the context otherwise requires in this Part H: "Sport fishermen" means a person who takes fish for recreational purposes.

Subpart B—Importation at Designated Ports

§ 14.11 General restrictions.

Except as otherwise provided in this part, no person shall import or cause to be imported any wildlife into the United States at any place other than a Customs port of entry designated in § 14.12.

§ 14.12 Designated ports.

The following Customs ports of entry are designated for the importation of wildlife and shall be referred to hereinafter as "designated ports":

(a) New York, N.Y.;
(b) Miami, Fla.;
(c) Chicago, Ill.;
(d) San Francisco, Calif.;
(e) Los Angeles, Calif.;
(f) New Orleans, La.;
(g) Seattle, Wash.; and
(h) Honolulu, Hawaii.

§ 14.13 Emergency diversion.

Wildlife which has been imported into the United States at any port or place other than a designated port solely as a result of a diversion due to an aircraft or vessel emergency may proceed as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful entry.

§ 14.14 In-transit shipments.

Wildlife destined for a point within or outside the United States may be imported into the United States at any port if such wildlife proceeds as an in-transit shipment under Customs bond to a designated port, or to any port where a permit or other provision of this part provides for lawful entry.

§ 14.15 Personal and household effects.

(a) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage may be imported into the United States at any Customs port of entry, *Provided,* That this exception to the designated port requirement shall not apply to any raw or dressed fur, and green, salted or crusted hide or skin, game trophy, or to any item of endangered wildlife.

(b) Wildlife products or manufactured articles, including mounted game trophies or tanned hides, which are not intended for sale and are part of a shipment of the household effects of persons moving their residence to the United States may be imported at any Customs port of entry, *Provided,* That this exception to the designated port requirement shall not apply to any raw, or dressed fur, and green, salted or crusted hide or skin or to any item of endangered wildlife.

§ 14.16 Canadian and Mexican wildlife.

(a) Except for endangered or injurious wildlife, wildlife lawfully taken by U.S. sportsmen in Canada or Mexico, and imported for noncommercial purposes, may be imported at any Customs port of entry.

(b) In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, whose country of origin is Canada, or which was previously exported from the United States to Canada, may be imported into the United States at any of the following Customs ports of entry:

(1) State of Alaska—Tok Junction;
(2) State of Washington—Blaine, Sumas, Oroville;
(3) State of Idaho—Eastport;
(4) State of Montana—Sweetgrass, Raymondi;
(5) State of North Dakota—Portal, Pembina, Dunseith;
(6) State of Minnesota—Noyes, International Falls, Grand Portage, Minneapolis-St. Paul;
(7) State of Michigan—Sault Sainte Marie, Detroit, Port Huron;
(8) State of Ohio—Cleveland;
(9) State of New York—Buffalo-Niagara Falls, Champlain;
(10) State of Vermont—Highgate Springs, Derby Line, Norton;
(11) State of Maine—Houlton, Calais; or
(12) State of Massachusetts—Boston.

(c) In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, whose country of origin is Mexico, or which was previously exported from the United States to Mexico, may be imported into the United States at any of the following Customs ports of entry:

(1) State of California—Calexico, San Diego-San Ysidro;
(2) State of Arizona—Nogales, San Luis; or
(3) State of Texas—El Paso, Laredo, Brownsville.

§ 14.17 Oceanic sport fishermen.

Fish taken by sport fishermen on the high seas, or within the territorial seas or fisheries zones of any country may be imported into the United States at any port or place.

§ 14.18 Marine mammals.

Any person under the jurisdiction of the United States who has lawfully taken a marine mammal on the high seas and is authorized to import such marine mammal in accordance with the Marine Mammal Protection Act of 1972 and the regulations issued pursuant thereto (parts 18 and 216 of this title) may import such marine mammal at any port or place.

§ 14.19 Imports into Alaska, Puerto Rico, or the Virgin Islands.

In addition to the other exceptions contained in this part, wildlife, other than endangered or injurious wildlife, which is imported for final destination in Alaska, Puerto Rico, or the Virgin Islands may be imported through those Customs ports of entry named hereinafter for the respective State or territory:

(a) Alaska—Juneau, Anchorage, Fairbanks, Tok Junction;
(b) Puerto Rico—San Juan;
(c) Virgin Islands—San Juan, Puerto Rico.

§ 14.20 Exceptions by permit.

Wildlife may be imported into the United States at any Customs port of entry designated in the terms of a valid permit issued pursuant to subpart C of this part 14.

§ 14.21 Shellfish and fishery products.

Except for endangered wildlife, the following shellfish and fishery products, as further defined in the "Tariff Schedules of the United States," imported for commercial purposes, may enter the United States at any Customs port of entry:

(a) Frogs (T.S.U.S. No. 106.60).

(b) Frog meat (T.S.U.S. No. 107.65).

(c) Fish, fresh, chilled, or frozen (T.S.U.S. Nos. 110.10–110.70)—trout and salmon to conform to § 14.61, concerning form 3–177, and part 16 of this subchapter, concerning injurious species.

(d) Fish, dried, salted, pickled, smoked, or kippered (T.S.U.S. Nos. 111.10–111.92).

(e) Fish in airtight containers (T.S.U.S. Nos. 112.01–112.94).

(f) Other fish products (T.S.U.S. Nos. 113.01–113.60).

(g) Shellfish (T.S.U.S. Nos. 114.01–114.55).

(h) Fish oils (T.S.U.S. Nos. 177.02–177.26).

(i) Sod oil (T.S.U.S. No. 178.05).

(j) Products of American fisheries (T.S.U.S. Nos. 180.00–180.20).

(k) Edible preparations (T.S.U.S. Nos. 182.05, 182.11, 182.48, 182.50).

(l) Animal feeds (T.S.U.S. Nos. 184.54, 184.55).

(m) Pearls (T.S.U.S. Nos. 741.05, 741.06).

(n) Coral (T.S.U.S. No. 741.15).

§ 14.22 Tropical, ornamental and aquarium fish.

In addition to the other exceptions contained in this part, other than endangered or injurious wildlife, tropical, ornamental, and aquarium fish may be imported at the Customs port of entry at Tampa, Fla.

Subpart C—Designated Port Exception Permits

§ 14.31 Permits to import wildlife at nondesignated port for scientific purposes.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing a scientist to import wildlife, other than endangered wildlife, for scientific purposes at any Customs port of entry. Such permits may authorize a single importation, a series of importations, or importation into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit.

(a) *Application procedure.* Applications for permits to import wildlife, other than endangered wildlife, at a nondesignated port for scientific purposes shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12 (a) of this subchapter plus the following additional information:

(1) Description of purpose or uses of the scientific specimens to be imported;

(2) Number and kinds of wildlife to be imported, described by species and subspecies, including the scientific and common names;

(3) Country or place of origin;

(4) Method of shipment;

(5) Port or ports of entry where importation is requested;

(6) Statement as to whether exception is being requested for a single shipment, a series of shipments, or importations over a specific period of time; and

(7) Statement of the reasons why importation should be allowed at the requested port or ports of entry rather than at a designated port.

(b) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits to import wildlife, other than endangered wildlife, at a nondesignated port issued under this section, shall be subject to the following condition:

Permittee shall file such reports as may be specified on the permit, and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 for the preceding year and shall itemize importations by: Date, port of entry, method of shipment, country of origin, and numbers and kinds of wildlife..

(c) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit to import wildlife, other than endangered wildlife, at a nondesignated port by a scientist:

(1) A benefit to a *bona fide* scientific research project; or

(2) Facilitation of the exchange of preserved museum specimens.

(d) *Tenure of permits.* The tenure of permits to import wildlife, other than endangered wildlife, at nondesignated ports for scientific purposes shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

§ 14.32 Permits to import wildlife at nondesignated ports to minimize deterioration or loss.

The Director may, upon receipt of an application which demonstrates to his satisfaction that importation of wildlife at the ports required by the regulations of this part will result in a substantial deterioration or loss of wildlife, issue a permit authorizing the importation of wildlife, including endangered species, at any Customs port of entry. Such permits may authorize a single importation, a series of importations, or importations into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit.

(a) *Application procedure.* Applications for permits to import wildlife at a nondesignated port to minimize deterioration or loss shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required in § 13.12(a) of this subchapter plus the following information:

(1) Number and kinds of wildlife to be imported, described by species and subspecies, including the scientific and common names;

(2) Country or place or origin;

(3) Date or dates of intended importation;

(4) Method of shipment, including names of carriers, if any;

(5) Port or ports of entry where importation is requested;

(6) Purpose for which wildlife is being imported;

(7) Statement as to whether exception is being requested for a single shipment, a series of shipments, or importations over a specified period of time; and

(8) Statement of the reasons why the importation should be allowed at the requested port or ports of entry rather than at a designated port, including evidence that an importation at a designated port by any method at the time in question would result in a substantial deterioration or loss to the wildlife.

(b) *Additional permit conditions.* In addition to the general condition set forth in Part 13 of this Subchapter B, permits to import wildlife at a nondesignated port to minimize deterioration or loss shall be subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 of the preceding year and shall itemize importations by: Date, port of entry, method of shipment, country of origin, and numbers and kinds of wildlife.

(2) Permittee shall pay costs incurred by the Director in inspecting permittees importations at nondesignated ports, including the salary, per diem, and travel costs of the Bureau agent.

(c) *Issuance criteria.* The Director shall consider the likelihood of a substantial deterioration or loss of wildlife in determining whether to issue a permit to import wildlife, including endangered species, at a nondesignated port.

(d) *Tenure of permits.* The tenure of permits to import wildlife at nondesignated ports to minimize deterioration or loss shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

§ 14.33 Permits to import wildlife at nondesignated ports to alleviate undue economic hardship.

The Director may, upon receipt of an application which demonstrates to his satisfaction that importation of wildlife at the ports required by the regulations of this part would subject the applicant to undue economic hardship, issue a per-

mit authorizing the importation of wildlife, other than endangered wildlife, at any Customs port of entry. Such permits may authorize a single importation, a series of importations, or importation into the United States over a specific period of time, and such authorization may, in the discretion of the Director, be incorporated into the terms of another type of importation permit.

(a) *Application procedures.*—Applications for permits to import wildlife other than endangered wildlife, at a nondesignated port to alleviate undue economic hardship shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required in § 13.12(a) of this subchapter, plus the following additional information:

(1) Number and kinds of wildlife to be imported, described by species and subspecies, including the scientific and common names, and a description of the form in which it is to be imported, as "live," "frozen," "raw hides," or a full description of any manufactured product;

(2) Country or place of origin;

(3) Name and address of supplier;

(4) Method of shipment;

(5) Port or ports of entry where importation is requested;

(6) Purpose for which wildlife is being imported;

(7) Statement as to whether exception is being requested for a single shipment, a series of shipments, or for importations over a specified period of time. If the permit is being requested for a series of shipments over a period of time include a narrative statement of circumstances including the attachment of documentary evidence showing a pattern of such importations for a period of at least 1 year, or other documentary evidence to support the need for period requested; and

(8) Cost data showing the monetary difference between the cost of importation at the port requested and the lowest cost of importation at the port through which importation is permitted by these regulations without a permit.

(b) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to import wildlife, other than endangered wildlife, at nondesignated ports to alleviate undue economic hardship are subject to the following conditions:

(1) Permittee shall file such reports as may be specified on the permit, and if no report is specified on the permit shall file an annual report for each calendar year or portion thereof ending December 31. Such reports shall be filed not later than March 31 for the preceding year and shall itemize importations by: Date, port of entry, method of shipment, country of origin, and numbers and kinds of wildlife.

(2) Permittee shall pay costs incurred by the Director in inspecting permittee's importations at nondesignated ports, including the salary, per diem and travel costs of the Bureau agent.

(c) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit to import wildlife, other than endangered wildlife, at a nondesignated port to alleviate undue economic hardship:

(1) The difference between the cost of importing the wildlife at the port requested and the lowest cost of importing such wildlife at a port permitted by these regulations; and

(2) The severity of the economic hardship that likely would result should the permit not be issued.

(d) *Tenure of permits.* The tenure of permits to import wildlife at nondesignated ports to alleviate undue economic hardship shall be that which is designated on the face of the permit, but shall in no case extend beyond December 31 of the second full calendar year following the year of issue.

Subpart D—Foreign Documentation

§ 14.41 Foreign documentation requirement.

If the laws or regulations of the country of origin, the country of export, or a subdivision thereof, restrict the taking, possession, transportation, exportation, or sale of wildlife, the owner, importer, or consignee may be required to produce foreign documentation showing that such laws or regulations have not been violated.

§ 14.42 Definition of foreign documentation.

The foreign documentation which will satisfy the requirements of § 14.41 may be either of the following:

(a) Official permits or other documents showing legal taking, possession, transportation, exportation, and sale issued by an appropriate agency or official of the country of origin, and where applicable, from the country of export; if such permits and documents are not written in English, the original documents and certified English translations thereof; or

(b) A consular certificate from the appropriate U.S. consul which shows that an appropriate foreign government official has certified to the U.S. consul the information required in paragraph (a) of this section for the country of origin and, where applicable, the country of export; or

(c) For wildlife lawfully taken in Canada or the United Mexican States by sportsmen, valid Canadian or Mexican export permits, fishing, or hunting licenses.

§ 14.43 Exceptions to foreign documentation requirement.

Notwithstanding the provisions of § 14.41, except for endangered wildlife, foreign documentation shall not be required for importation of the following wildlife:

(a) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage, except raw or dressed furs, and green, salted, or crusted hides, or skins, game, or game trophies;

(b) Wildlife products or manufactured articles which are not intended for sale and are a part of a shipment of the household effects of persons moving their residence to the United States, except raw or dressed furs, and green, salted, or crusted hides or skins; and

(c) Shellfish and fishery products as defined in § 14.21.

Subpart E—Inspection and Clearance of Importations

§ 14.51 Inspection of imported wildlife.

All wildlife shall be subject to inspection by Bureau agents and Customs officers upon importation into the United States. Such inspection may include examination of the wildlife, the package or container in which such wildlife was shipped or transported, foreign documentation, declarations, Bureau or other permits, and invoices, waybills, manifests, or other documents relating to such wildlife importation.

§ 14.52 Clearance of imported wildlife.

Except as otherwise provided by this subpart, all wildlife imported into the United States must be cleared by a Bureau agent prior to release from detention by Customs officers pursuant to 19 U.S.C. 1499. Such clearance shall not be construed as a certification of the legality of an importation under the laws or regulations of the United States.

§ 14.53 Clearance procedure.

(a) Bureau agents, or Customs officers, pursuant to § 14.54, may refuse clearance of imported wildlife when they have reasonable grounds to believe:

(1) A Federal law or regulation has been violated;

(2) That the correct identity of the wildlife has not been established (in such cases the burden shall be upon the owner, importer, or consignee to prove such identity);

(3) That any foreign documentation required to accompany such wildlife is not authentic; or

(4) That the importer or his broker has filed an incorrect or incomplete declaration for importation as provided in subpart F of this part 14.

(b) Where clearance of imported wildlife has been refused, the wildlife may, at the discretion of the Bureau, be:

(1) Seized;

(2) Exported by the owner, importer, or consignee at his request and expense;

(3) Abandoned pursuant to the provisions of § 12.15 of this subchapter; or

(4) Released under such bond as may be required, and/or subject to recall.

§ 14.54 Unavailability of Bureau agents.

Whenever Bureau agents are not available, within a reasonable time, to inspect and clear imported wildlife at a designated port or other port at which wildlife may be imported pursuant to the regulations of this part, any Customs officer may inspect and clear such wildlife subject to recall, and, in the case of in-transit shipments, may do so at either the port of entry or the port of destination.

§ 14.55 Exceptions to clearance requirements.

Except for endangered wildlife, the clearance procedures of § 14.53 shall not be required for importation of the following wildlife:

(a) Shellfish and fishery products as defined in § 14.21:

(b) Fish taken by fishermen on the high seas, or within the territorial seas or fishery zones of any country;

(c) Marine mammals lawfully taken on the high seas by U.S. residents and imported directly into the United States.

Subpart F—Declaration for Importation of Wildlife

§ 14.61 Declaration requirement.

Except as otherwise provided by the regulations of this subpart, a completed Declaration for Importation of Fish or Wildlife (form 3–177) shall be filed by the importer of his broker with the District Director of Customs at the Customs port of entry where clearance under § 14.52 occurs or where release from detention by Customs officers pursuant to 19 U.S.C. 1499 occurs. The Declaration for Importation of Fish or Wildlife shall include the following information:

(1) Name and address of the importer;

(2) Name and address of the consignor or shipper;

(3) Name of broker, if any;

(4) Name of the carrier, if any;

(5) Permit number under which the wildlife is imported, if any;

(6) Common name, scientific name, country of origin, and number of each species or subspecies imported;

(7) Form in which imported, i.e., live, fully mounted, trophy, hide, manufactured product, freshly killed, etc.; and

(8) Certification in the following language: "I hereby certify that the information submitted for the importation of wildlife is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001."

§ 14.62 Exceptions to declaration requirement.

(a) Except for endangered or injurious wildlife, a Declaration for Importation of Fish or Wildlife (form 3–177) shall not be required to be filed for importation of the following wildlife:

(1) Fish taken by sport fishermen on the high seas or within the territorial seas or the fishery zones of any country;

(2) Fish, taken by sport fishermen in Canada or Mexico;

(3) Shellfish or fishery products imported for commercial purposes as defined in § 14.21;

(4) Game mammals or birds from Canada or Mexico on which a Declaration for Free Entry of Game Mammals or Birds Killed by United States Residents (Customs form 3315) has been filed;

(5) Wildlife products or manufactured articles which are not intended for sale and are worn as clothing or contained in accompanying personal baggage, except that a declaration will be required for raw or dressed furs and green, salted, or crusted hides or skins; and game or game trophies where the exception in paragraph (4) of this section does not apply; and

(6) Wildlife products or manufactured articles which are not intended for sale and are a part of a shipment of the household effects of persons moving their residence to the United States, except that a declaration will be required for raw or dressed furs, and green, salted, or crusted hides or skins.

(b) In regard to marine mammals (see Parts 18 and 216) lawfully taken on the high seas by U.S. residents and imported directly into the United States, the Declaration for Importation of Fish or Wildlife (Form 3–177) may be filed at any Customs port of entry.

Subpart G—Export of Wildlife to Mexico

§ 14.71 Permit to export game mammals to the United Mexican States.

Persons exporting to the United Mexican States, antelope, mountain sheep, deer, bear, peccary, squirrel, rabbit, or hare, or the dead body or parts thereof, whether or not included in a manufactured product or a processed food product, shall be required to present to the U.S. Customs official at the port of exit, on request, a certificate of a warden, agent, or other official of the State game department of the State of origin. Such certificate shall list the game animals by species and number, or other appropriate specific description, and certify they were taken or acquired and are being exported in compliance with the statutes and regulations of the State of origin.

Subpart H—Marking Requirements for Certain Shipments

§ 14.81 Marking package or container.

Except as otherwise provided in this subpart, no person shall ship, transport, carry, bring or convey any wildlife in interstate or foreign commerce unless the package or container in which such wildlife is contained has the name and address of the shipper and the consignee and an accurate statement of the contents by species and numbers of each species of wildlife therein contained clearly and conspicuously marked on the outside thereof.

§ 14.82 Exceptions to the marking requirement.

(a) *Commercial shellfish or fishery products.*—The requirements of § 14.81 do not apply to packages or containers holding shellfish or fishery products imported for commercial purposes as defined in § 14.21.

(b) *Mink, chinchilla, silver fox, blue fox, rabbit, and nutria.*—The requirements of § 14.81 do not apply to packages or other containers holding mink, chinchilla, silver fox, blue fox, rabbit, and nutria that have been bred and born in captivity: *Provided,* That a separate signed statement certifying the animals were bred and born in captivity accompanies the shipping document.

(c) *Furs, hides, and skins—interstate commerce.*—The requirements of § 14.81 do not apply to packages or containers holding furs, hides, and skins shipped interstate: *Provided,* That the names and addresses of the shipper and consignee are clearly and conspicuously marked on the outside thereof.

(d) *Symbol markings.* The requirements of § 14.81 do not apply to packages or containers shipped, transported, carried, brought or conveyed in interstate or foreign commerce where such packages are clearly marked with a symbol in accordance with the terms of a valid permit issued pursuant to § 14.83.

§ 14.83 Symbol marking permit.

The Director may, upon receipt of an application which demonstrates to his satisfaction that the marking or other identification required by § 14.81 would create a significant possibility of the theft of the package or its contents, issue a permit authorizing the use of an identification symbol in lieu of the marking required by § 14.81.

(a) *Application procedures.* Applications for symbol marking permits shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter, plus the following additional information:

(1) Common and scientific names, and estimated numbers of wildlife to be shipped;

(2) Form in which imported or exported, as "raw skins," "fur garments," etc.;

(3) Type of packaging, method of shipment, and carrier or carriers, if known;

(4) Country or countries of origin for imports, and country or countries of destination for exports;

(5) Port or ports of importation and export;

(6) Estimated frequency of shipments;

(7) Detailed statements of the reasons why the marking required by § 14.81 would create a significant possibility of theft of the package or its contents;

(8) Description of an evidence showing actual thefts, if any, incurred by applicant which can be ascribed to marking requirements of § 14.81, including dates, description of goods, place, if known, value, including affidavits, invoices, correspondence, and insurance claims relative thereto to conclusively show actual losses by applicant; and

(9) At the option of the applicant, a suggested symbol which is desired with the understanding that such suggested symbol may or may not be assigned at the discretion of the Director.

(b) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits to use symbol marking shall be subect to the following conditions:

(1) When using the symbol in lieu of another marking required in § 14.81, the entire symbol must be clearly and conspicuously marked on the outside of every package and the symbol, together with other identifying numbers or characters, must also appear on all shipping documents relating to such packages or con-

tainers and on all documents required by §§ 14.41 and 14.61.

(2) The permittee shall, from the effective date of the permit, maintain complete and accurate records of all wildlife furs which are shipped, transported, carried, brought or conveyed in interstate or in foreign commerce and which are identified by means of such symbol. The records shall include the number, species or subspecies, description of the package or container, method of shipment, time and place of shipment, including the air waybill or bill of lading number, and general description of the items. Such records shall be open to inspection, auditing, or copying by any authorized employee of the Bureau at any time during regular business hours.

(c) *Tenure of permits.*—The tenure of permits to use symbol marking shall be from the date of issue to June 30 of the first full year following the year of issue.

PART 15—FEATHER IMPORT QUOTAS

Subpart A—Introduction

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15.2 Scope of regulations.

Subpart B—Import Quotas and Permit Requirement

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15.25 Issuance of permits.
15.26 Tenure of importation permits.

AUTHORITY: Tariff Classification Act of 1962, sec. 102, 76 Stat. 73–74, 19 U.S.C. 1202, "Schedule 1, Part 15D, Headnote 2(d), Tariff Schedules of the United States."

Subpart A—Introduction

§ 15.1 Purpose of regulations.

The regulations contained in this part establish annual quotas on importation of skins bearing feathers of the mandarin duck, and five species of pheasants. These regulations also govern applications for and issuance of permits for the entry of such birdskins and establish the method which will be used to allocate and reallocate any unused portions of the annual quotas among the several applicants.

§ 15.2 Scope of regulations.

(a) The regulations of this part apply only to the feathers or skins of those species of birds named in § 15.11:

(1) Whether raw or processed;

(2) Whether the whole plumage or skin or any part of either;

(3) Whether or not attached to a whole bird or any part thereof; and

(4) Whether or not forming part of another article.

(b) The regulations of this part 15 do not apply:

(1) To any importation for scientific or educational purposes;

(2) To the importation of fully manufactured artificial flies used for fishing.

(3) To the importation of game birds killed by United States hunters abroad, and imported by such persons for noncommercial purposes.

(4) To the importation of live birds; and

(5) To the importation of any of the following birds (other than any such bird which, whether or not raised in captivity, is a wild bird): chickens (including hens and roosters), turkeys, guinea fowl, geese, ducks, pigeons, ostriches, rheas, English ring-necked pheasants, and pea fowl.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also Part 13 of this subchapter).

Subpart B—Import Quotas and Permit Requirement

§ 15.11 Import quotas established.

During any calendar year, beginning January 1 and ending December 31, the following quotas are established for the entry of skins bearing feathers. For the purpose of these quotas any part of a skin which has been severed shall be considered a whole skin.

(a) For use in the manufacture of artificial flies used for fishing:

Grey jungle fowl (*Gallus sonnerati*) ---none (quota eliminated)
*Mandarin duck (*Aix galericulata*) ----1,000

* Former scientific name: *Dendronessa galericulata.*

(b) For use in the manufacture of artificial flies used for fishing or for millinery purposes:

Lady Amherst pheasant (*Chrysolophus amherstiae*) Golden pheasant (*Chrysolophus pictus*) Silver pheasant (*Lophura nycthemera*) Reeves pheasant (*Syrmaticus reevesii*) Blue-eared pheasant (*Crossoptilon auritum*)	45,000 in the aggregate

Brown-eared pheasant (*Crossoptilon mantchuricum*) ----------none (quota eliminated)

§ 15.12 Permit requirement.

Except as otherwise provided in this section, no person shall import, enter, or cause to be imported or entered, feathers, skins, or skins bearing feathers of any species listed in § 15.11 without a permit issued pursuant to this part: *Provided,* That any person may import without a permit, for storage in warehouse under customs bond, skins bearing feathers of species for which a quota is provided in the preceding § 15.11. When so imported and stored, such skins shall not be removed from the warehouse or entered into the United States for use without a permit issued pursuant to this part. No person shall import for warehouse storage or other purpose skins bearing feathers of any species on which the quota has been eliminated.

Subpart C—Application for and Allocation of Quotas

§ 15.21 Application for quota allocation and permit.

All persons desiring to share in the allocation of annual import quotas and to obtain a permit to enter skins bearing feathers shall submit an application to the Director during the period set forth by § 15.22. Each such application shall contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(a) Quantity of each species of birdskin or part thereof for which an importation permit is requested;

(b) Port at which entry will be made, or in the case of warehouse storage under bond, port at which importation was made and location and amount of birdskins presently in storage;

(c) Statement of the purpose (use) for which the skins bearing feathers are sought to be imported or entered; and

(d) Statement as to whether application is being made for an initial allocation of a calendar year quota, or for reallocation of an unused portion of a calendar year quota.

§ 15.22 Filing dates for applications.

Each application for a quota allocation and permit must be postmarked during the dates set forth in paragraph (a) and (b) of this section in order to be considered.

(a) Applicants desiring to participate in the allocation of calendar year quotas shall submit applications from September 1 through September 30 of the year preceding the calendar year for which quota allocations are to be made.

(b) Applicants desiring to participate in the reallocation of such portions of the established annual quotas as may become available for reallocation, shall submit applications from July 1 through July 31 of the calendar year during which the unused portion of the quota becomes available for reallocation.

§ 15.23 Allocation of calendar year quotas.

As promptly as possible after the closing date for filing, all applications timely filed will be considered and tentative quotas allocated by the method set forth in paragraphs (a) through (e) of this section. For the purposes of this section, the species of pheasants for which quotas have been provided shall be grouped together and considered as one species.

(a) The number of eligible applicants for skins of mandarin duck and pheasants, respectively, shall be divided into the quotas of skins available for the ensuing calendar year for the respective species, to determine the number of skins of each species the several applicants

would be entitled to import on an equal basis.

(b) Any applicant for an allocation in an amount equal to or less than the average quantity established for all applicants pursuant to paragraph (a) of this section is entitled to receive an allocation of the quantity for which he applied.

(c) After the allocations are made under paragraph (b) of this section, all remaining unallocated quantities of skins of the respective species shall be allocated equally among those applicants who applied for more than the average quantities determined under paragraph (a) of this section. However, no applicant shall be allocated a quantity of skins in excess of the number applied for.

(d) Each applicant shall then be furnished a tabulation by registered or certified mail, return receipt requested, of the quantities of each species requested and the quantities proposed to be allocated to each applicant. Each applicant must then report by letter addressed to the Director, postmarked not later than 30 days after date of receipt of the notice of proposed allocations, that he accepts the proposed allocation. The letter must contain satisfactory proof, such as a copy of a currently confirmed order, that orders have been placed for the importing of his allocation of bird skins and must be accompanied by the prescribed fee in the form of a postal money order or a check made payable to the Bureau of Sport Fisheries and Wildlife. Applicants failing to respond to the notice of proposed allocations or failing to furnish the prescribed fee shall be deemed to have withdrawn their applications. Applicants who submit the required showing and fee by other than registered or certified mail, do so at their own risk.

(e) Any quantities of birdskins of the respective species which become available for allocation through the failure of applicants to submit the proper showing as required in paragraph (d) of this section, shall promptly be allocated among those applicants whose requests were not satisfied in full, using the methods prescribed in paragraphs (a) through (c) of this section to determine the additional quantity of skins allowable to each such applicant.

§ 15.24 Reallocation of unused calendar year quotas.

Any portion of the calendar year quotas which may become available for reallocation through surrender or nonuse, in whole or in part, of permits expiring on June 30 of any year, shall be reallocated as promptly as possible after the closing date for filing among applicants who have submitted proper applications in accordance with § 15.21. Such reallocations shall be made by the method prescribed in § 15.23 (a) through (c). If the quantities of the respective species of birdskins are insufficient to permit reallocation among all applicants by such method, preference shall be given to those applications bearing the earliest postmark.

§ 15.25 Issuance of permits.

As soon as practicable after the annual quota allocations or reallocations have been determined, the quotas allocated to successful applicants shall be evidenced by permits issued to the applicant with copies forwarded to the respective District Directors of Customs at the ports of entry specified in the applications. Such permits shall authorize the importation and entry for limited use, of the quantities of birdskins allocated to each applicant. Until such time as it shall be found necessary to reduce the import quota established for pheasants, permits will authorize the entry of a stated number in the aggregate of those species of pheasant for which a quota is provided.

§ 15.26 Tenure of importation permits.

(a) Permits covering the calendar year quota allocations are issued as of January 1 and remain in effect through June 30 of the year of issue. No extension of time shall be granted on such permits and any portion of the quota allocations which become available through surrender or nonuse, in whole or in part, of a permit expiring on June 30, shall be reallocated among applicants who submit proper applications.

(b) Permits covering the reallocations made pursuant to § 15.24 shall be issued as promptly as possible after July 31 and remain in effect through December 31 of the year of issue. No extension of time shall be granted on such permits, and any portion of the quotas so reallocated which are not imported through surrender or nonuse of reallocation permits, in whole or in part, on or before December 31 of the year of issue, shall lapse and no further allocation thereof shall be made.

PART 16—INJURIOUS WILDLIFE

Subpart A—Introduction

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16.32 Importation by Federal agencies.
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AUTHORITY: Lacey Act, 74 Stat. 754 (18 U.S.C. 42).

Subpart A—Introduction

§ 16.1 Purpose of regulations.

The regulations contained in this part implement the Lacey Act (18 U.S.C. 42).

§ 16.2 Scope of regulations.

The provisions of this Part are in addition to, and are not in lieu of, other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also Part 13).

§ 16.3 General restrictions.

Any importation or transportation of live wildlife or eggs thereof, or dead fish or eggs or salmonids of the fish family Salmonidae into the United States or its territories or possessions is deemed to be injurious or potentially injurious to the health and welfare of human beings, to the interest of forestry, agriculture, and horticulture, and to the welfare and survival of the wildlife or wildlife resources of the United States; and any such importation into or the transportation of live wildlife or eggs thereof between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States by any means whatsoever, is prohibited except for certain purposes and under certain conditions as hereinafter provided in this part: *Provided,* That the provisions of this section shall not apply to psittacine birds (see also 16.32 and 16.33 for other exemptions).

Subpart B—Importation or Shipment of Injurious Wildlife

§ 16.11 Importation of live wild mammals.

(a) The importation, transportation, or acquisition is prohibited of live specimens of (1) any species of so-called "flying fox" or fruit bat of the genus *Pteropus;* (2) any species of mongoose or meerkat of the genera *Atilax, Cynictis, Helogale, Herpestes, Ichneumia, Mungos,* and *Suricata;* (3) any species of European rabbit of the genus *Oryctolagus;* (4) any species of Indian wild dog, red dog, or dhole of the genus *Cuon;* and (5) any species of multimammate rat or mouse of the genus *Mastomys: Provided,* That the Director shall issue permits authorizing the importation, transportation, and possession of such mammals under the terms and conditions set forth in § 16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all other species of live wild mammals may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live wild mammals or any progeny thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for

release from such agency: *Provided,* That the provisions of this paragraph shall not apply to live game mammals from Mexico, the importation of which is governed by regulations under Part 14 of this chapter.

§ 16.12 Importation of live wild birds or their eggs.

(a) The importation, transportation, or acquisition is prohibited of any live specimen or egg of (1) the species of so-called "pink starling" or "rosy pastor" Sturnus roseus; (2) the species of dioch (including the subspecies black-fronted, red-billed, or Sudan dioch) Quelea quelea; (3) any species of Java sparrow, Padda oryzivora; (4) the species of red-whiskered bul-bul, Pycnonotus jocosus: *Provided,* That the Director shall issue permits authorizing the importation, transportation, and possession of such live birds under the terms and conditions set forth in § 16.22.

(b) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all species of live wild game, birds may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, and the eggs of such birds may be imported, transported, and possessed, without a permit, for propagating or scientific collection purposes, but no such live wild game birds or any progeny thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

(c) Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all species of live, wild nongame birds (other than those listed in paragraph (a) of this section) may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live, wild nongame birds or any progeny thereof may be released into the wild except by or under the direction of State wildlife conservation agencies when such agencies have received prior written permission from the Director for such release: *Provided,* That the provisions of this paragraph shall not apply to live bald and golden eagles or to live migratory birds, the importation of which is governed by regulations under Parts 22 and 21 of this chapter, respectively, or to birds of the Family *Psittacidae* (parrots, macaws, cockatoos, parakeets, lories, lovebirds, etc.), the importation and transportation of which is governed by U.S. Public Health Service regulations under 42 CFR 71 and 72.

(d) The importation of the eggs of wild nongame birds is prohibited except as permitted under § 16.33.

§ 16.13 Importation of live or dead fish, mollusks, and crustaceans, or their eggs.

(a) (1) The importation, transportation, or acquisition is prohibited of any live fish or viable eggs of the family Clariidae: *Provided,* That the Director shall issue permits authorizing the importation, transportation, and possession of such live fish or viable eggs under the terms and conditions set forth in § 16.22.

(2) Except as provided in subparagraph (1) of this paragraph, and except for the salmonids of the fish family Salmonidae, as provided in paragraph (b) of this section, all species of live or dead fish, mollusks, and crustaceans, or parts thereof, or their eggs, may be imported, transported, and possessed in captivity without a permit, for scientific, medical, educational, sale, exhibition, or propagational purposes upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61. No such live fish, mollusks, crustacean, or any progeny or eggs thereof, may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission from such agency.

(b) (1) Notwithstanding authority granted Federal agencies in § 16.32, all live or dead fish or eggs of salmonids of the fish family Salmonidae are prohibited entry into the United States for any purpose unless such importations are by direct shipment, accompanied by a certification that the importation is free of the protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease." The certification shall be signed in the country of origin by a designated official acceptable to the Secretary of the Interior as being qualified in fish pathology, or in the United States by a qualified fish pathologist designated for this purpose by the Secretary of the Interior.

(2) The certificate required by this section shall consist of a statement in the English language, printed or typewritten, stating that this shipment of fish or eggs is free from these two diseases by the methods outlined in Fish Disease Leaflet 9, and will contain (i) the date and port of export in the country of origin and the anticipated United States date of arrival and port of entry, (ii) surface or air carrier and flight number, or vessel name or number, (iii) bill of lading number or airway bill number, and (iv) the handwritten signature, in ink, of the authorized certifying officer, and may be substantially in the following form:

I, _____, approved by the Secretary of the U.S. Department of the Interior, on _____, as a certifying
(Date)
official for _____, as required by Title
(Country)
50, CFR 13.7(b), do hereby certify, using the methodology described in Fish Disease Leaflet (FDL–9, July 1968), that this shipment of _____ of dead or live fish or
(Weight in pounds)
fish eggs to be shipped under _____ _____ is free of the
(Bill of lading number, or airway bill number)
protozoan Myxosoma cerebralis, the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicemia or "Egtved disease."

The shipment is scheduled to depart _____ on _____, via
(City and Country) (Date)
_____ with anticipated
(Name of carrier)
arrival at the port of _____ U.S.A., on
(City)
_____.
(Date)

_____
(Signature in ink of certifying officer)

_____
(Date)

(c) Nothing in this part shall restrict the importation and transportation of the fish family Salmonidae when such fish or eggs have been processed by canning, pickling, smoking, or otherwise prepared in a manner whereby all spores of the protozoan *Myxasoma cereloralis,* the causative agent of so-called "whirling disease," and the virus causing viral hemorrhagic septicema or so-called "Egtved disease," have been killed. Salmon landed in North America and brought into the United States for processing or sale, or any salmonid caught in the wild in North America under a sport or a commercial fishing license shall be exempt from the requirements for certification and from the filing of the Declaration for Importation of Wildlife.

§ 16.14 Importation of live amphibians or their eggs.

Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all species of live amphibians or their eggs may be imported, transported, and possessed in captivity, without a permit, for scientific, medical, education, exhibition, or propagating purposes, but no such live amphibians or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

§ 16.15 Importation of live reptiles or their eggs.

Upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61, all species of live reptiles or their eggs may be imported, transported, and possessed in captivity, with-

out a permit, for scientific, medical, educational, exhibition, or propagating purposes, but no such live reptiles or any progeny or eggs thereof may be released into the wild except by the State wildlife conservation agency having jurisdiction over the area of release or by persons having prior written permission for release from such agency.

Subpart C—Permits

§ 16.21 [Reserved]

§ 16.22 Injurious wildlife permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation into or shipment between the continental United States, the Distict of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any possession of the United States of injurious wildlife (See subpart B of this part) for zoological, educational, medical, or scientific purposes.

(a) *Application procedure.* Applications for permits to import or ship injurious wildlife for such purposes shall be submitted to the appropriate Special Agent in Charge (See § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) The number of specimens and the common and scientific names (genus and species) of each species of live wildlife proposed to be imported or otherwise acquired, transported, and possessed;

(2) The purpose of such importation, or other acquisition, transportation, and possession;

(3) The address of the premises where such live wildlife will be kept in captivity;

(4) The name and address of the consignor or other person from whom such wildlife will be acquired; and

(5) A statement of applicant's qualifications and previous experience in caring for and handling captive wildlife.

(b) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter b, permits to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes shall be subject to the following conditions:

(1) All live wildlife acquired under permit and all progeny thereof, must be confined in the approved facilities on the premises authorized in the permit.

(2) No live wildlife, acquired under permit, or any eggs or progeny thereof, may be sold, donated, traded, loaned, or transferred to any other person unless such person has a permit issued by the Director under § 16.22 authorizing him to acquire and possess such wildlife or the eggs or progeny thereof.

(3) Permittees shall submit a report of all live wildlife acquired under authority of a permit to the Director within 10 days following the date of such acquisition.

(4) Permittees must notify the Director by letter within 10 days following the death and by telephone or telegraph within 24 hours following the escape of any wildlife or their progeny possessed under authority of a permit, unless specifically exempted from either requirement by special terms of his permit.

(c) *Issuance criteria.* The Director shall consider the following in determining whether to issue a permit to import or ship injurious wildlife for zoological, educational, medical, or scientific purposes:

(1) Whether the wildlife is being imported or otherwise acquired for a bona fide scientific, medical, educational, or zoological exhibition purpose;

(2) Whether the facilities for holding the wildlife in captivity have been inspected and approved, and consist of a basic cage or structure of a design and material adequate to prevent escape which is maintained inside a building or other facility of such structure that the wildlife could not escape from the building or other facility after escaping from the cage or structure maintained therein;

(3) Whether the applicant is a responsible person who is aware of the potential dangers to public interests posed by such wildlife, and who by reason of his knowledge, experience, and facilities reasonably can be expected to provide adequate protection for such public interests; and

(4) If such wildlife is to be imported or otherwise acquired for zoological or aquarium exhibition purposes, whether such exhibition or display will be open to the public during regular appropriate hours.

Subpart D—Additional Exemptions

§ 16.31 [Reserved]

§ 16.32 Importation by Federal agencies.

Nothing in this part shall restrict the importation and transportation, without a permit, of any live wildlife by Federal agencies solely for their own use, upon the filing of a written declaration with the District Director of Customs at the port of entry as required under § 14.61: *Provided,* That the provisions of this section shall not apply to bald and golden eagles or their eggs, or to migratory birds or their eggs, the importations of which are governed by regulations under Parts 22 and 21 of this chapter, respectively.

§ 16.33 Importation of natural-history specimens.

Nothing in this part shall restrict the importation and transportation, without a permit, of dead natural-history specimens of wildlife or their eggs for museum or scientific collection purposes: *Provided,* That the provisions of this section shall not apply to dead migratory birds, the importation of which is governed by regulations under Parts 20 and 21 of this chapter; to dead game mammals from Mexico, the importation of which is governed by regulations under Part 14 of this chapter; or to dead bald and golden eagles or their eggs, the importation of which is governed by regulations under Part 22 of this chapter.

PART 17—ENDANGERED WILDLIFE

Subpart A—Introduction

Sec.
17.1 Purpose of regulations.
17.2 Scope of regulations.

Subpart B—Endangered Wildlife Lists

Sec.
17.11 Endangered foreign wildlife.
17.12 Endangered native wildlife.
17.13 Amendments of the lists of endangered wildlife.

Subpart C—Endangered Wildlife Importation Permits

17.21 General permit requirement.
17.22 Economic hardship permits.
17.23 Zoological, educational, scientific, or propagation permits.

AUTHORITY: Endangered Species Conservation Act of 1969, sec. 4(e), 83 Stat. 278 (16 U.S.C. 668cc–4).

Subpart A—Introduction

§ 17.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of native and foreign wildlife determined by the Secretary to be threatened with extinction, establish procedures and criteria for issuance of permits for importation of endangered foreign wildlife, and provide for public participation in the amendment of the endangered wildlife lists. The regulations of this part implement, in part, the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa to 668cc–6).

§ 17.2 Scope of regulations.

(a) The regulations of this part apply only to endangered wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 13 of this subchapter).

Subpart B—Endangered Wildlife Lists

§ 17.11 Endangered foreign wildlife.

Based on the best scientific and commercial data available to him and after consultation, in cooperation with the Secretary of State, with the foreign country or countries in which such wildlife are normally found and, to the extent practicable, with interested persons and organizations and other interested Federal agencies, the Secretary has determined that the species or subspecies of wildlife listed below are threatened with worldwide extinction due to one or more of the factors listed in 16 U.S.C. 668cc–3(a). The presence of a trinominal (third word) in the "scientific name" column identifies that animal as a subspecies. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are. The "common and commercial name" column contains the most generally accepted names in the English language. When two or more common names for a species are in common usage, the most widely used one is placed first, followed by others in parentheses. The public should be aware that common and commercial names may vary from local usage. The "where found" column is provided for the convenience of the public, is not exhaustive, is not required to be given by law, and has no legal significance.

Common name	Scientific name	Where found
Mollusk:		
Snail, Manus Island tree	*Papustyla pulcherrina*	Admiralty Islands: Manus Island.
Fish:		
Ala Balik	*Salmo platycephalus*	Turkey.
Ayumodoki	*Hymenophysa curta*	Japan.
Blindcat, Mexican	*Prietella phreatophila*	Mexico.
Catfish	*Pangasius sanitwongsei*	Thailand.
Catfish, Giant	*Pangasianodon gigas*	Do.
Cicek	*Acanthorutilus handlirschi*	Turkey.
Nekogigi	*Coreobagrus ichikawai*	Japan.
Tanago, Miyako	*Tanakia tanago*	Do.
Amphibians:		
Frog, Stephen Island	*Leiopelma hamiltoni*	New Zealand.
Frog, Israel painted	*Discoglossus nigriventer*	Israel.
Reptiles:		
Boa, Jamaica	*Epicrates subflavus*	Jamaica.
Caiman (see Yacare)		
Crocodile, Cuban	*Crocodylus rhombifer*	Cuba.
Crocodile, Morelet's	*Crocodylus moreletii*	Mexico, British Honduras, Guatemala.
Crocodile, Nile	*Crocodylus niloticus*	Africa.
Crocodile, Orinoco	*Crocodylus intermedius*	Orinoco River, northern South America.
Gavial	*Gavialis gangeticus*	Pakistan, India, Burma, Bangladesh.
Gecko, Day	*Phelsuma newtoni*	Mauritius.
Gecko, Round Island day	*Phelsuma guentheri*	Do.
Iguana, Anegada ground	*Cyclura pinguis*	Virgin Islands: Anegada Island.
Lizard, Barrington land	*Conolophus pallidus*	Ecuador: Galapagos Islands.
Terrapin, River (Tuntong)	*Batagur baska*	Burma, India, Indonesia, Malaysia, Bangladesh.
Tortoise, Galapagos	*Testudo elephantopus*	Ecuador: Galapagos Islands.
Tortoise, Madagascar radiated	*Testudo radiata*	Madagascar.
Tortoise, Short-necked or swamp	*Pseudemydura umbrina*	Australia.
Tuatara	*Sphenodon punctatus*	New Zealand.
Turtle, Aquatic box	*Terrapene coahuila*	Mexico.
Turtle, Atlantic Ridley	*Lepidochelys kempii*	Do.
Turtle, Hawksbill	*Eretmochelys imbricata*	Tropical seas.
Turtle, Leatherback	*Dermochelys coriacea*	Tropical seas and temperate seas.
Turtle, South American River	*Podocnemis expansa*	Orinoco and Amazon River Basin, northern South America.
Turtle, South American River	*Podocnemis unifilis*	Do.
Yacare (Caiman)	*Caiman yacare*	Bolivia, Argentina, Peru, Brazil.
Birds:		
Albatross, Short-tailed	*Diomedea albatrus*	Japan.
Bobwhite, Masked	*Colinus virginianus ridgwayi*	United States, Mexico.
Bristlebird, Western	*Dasyornis brachypterus longirostris*	Australia.
Bulbul, Mauritius olivaceous	*Hypsipetes borbonicus olivaceus*	Mauritius.
Bullfinch, Sao Miguel	*Pyrrhula pyrrhula murina*	Azores.
Bustard, Great Indian	*Choriotis nigriceps*	India, Pakistan.
Cahow	*Pterodroma cahow*	Bermuda.
Condor, Andean	*Vultur gryphus*	Colombia to Chile, Argentina.
Crane, Hooded	*Grus monachus*	Japan, U.S.S.R.
Crane, Japanese	*Grus japonensis*	Japan, China, Korea, U.S.S.R.
Crane, Siberian white	*Grus leucogeranus*	Siberia to India.
Crane, Whooping	*Grus americana*	Canada, United States.
Curassow, Red-billed	*Crax blumenbachii*	Brazil.
Curassow, Trinidad white-headed.	*Pipile pipile pipile*	Trinidad.
Curlew, Eskimo	*Numenius borealis*	Canada to Argentina.
Dove, Cloven-feathered	*Drepanoptila holosericea*	New Caledonia.
Dove, Grenada	*Leptotila wellsi*	West Indies: Grenada.
Dove, Palau ground	*Gallicolumba canifrons*	Palau Islands.
Duck, White-winged wood	*Cairina scutulata*	India, Thailand, Malasia, Burma, Indonesia (including Java).
Eagle, Monkey-eating	*Pithecophaga jefferyi*	Philippines.
Eagle, Spanish imperial	*Aquila heliaca adalberti*	Spain, Morocco, Algeria.
Egret, Chinese	*Egretta eulophotes*	China, Korea.
Falcon, American peregrine	*Falco peregrinus anatum*	Canada, United States, Mexico.
Falcon, Arctic	*Falco peregrinus tundrius*	Canada, United States, Mexico.
Fantail, Palau	*Phipidura lepida*	Palau Islands.
Flycatcher, Euler's	*Empidonax euleri johnstonei*	West Indies: Grenada.
Flycatcher, Seychelles black	*Terpsiphone corvina*	Seychelles.
Flycatcher, Tahiti	*Pomarea nigra nigra*	Tahiti.
Fody, Seychelles	*Foudia sechellarum*	Seychelles.
Goose, Aleutian Canada	*Branta canadensis leucopareia*	Japan, United States.
Goshawk, Christmas Island	*Accipiter fasciatus natalis*	Indian Ocean: Christmas Island.
Grackle, Slender-billed	*Cassidix palustris*	Mexico.
Grass-wren, Eyrean	*Amytornis goyderi*	Australia.
Grebe, Atitlan	*Podilymbus gigas*	Guatemala.
Guan, Horned	*Oreophasis derbianus*	Guatemala, Mexico.
Gull, Audouin's	*Larus audouinii*	Mediterranean.
Hawk, Anjouan Island sparrow	*Accipiter francesii pusillus*	Comoro Islands.
Hawk, Galapagos	*Buteo galapagoensis*	Ecuador: Galapagos Islands.
Honeyeater, Helmeted	*Meliphaga cassidix*	Australia.
Ibis, Japanese crested	*Nipponia nippon*	Japan, Korea, U.S.S.R., China.
Kagu	*Rhynochetos jubatus*	New Caledonia.
Kakapo	*Strigops habroptilus*	New Zealand.
Kestrel, Mauritius	*Falco puncatus*	Mascarene Islands: Mauritius.
Kestrel, Seychelles	*Falco araea*	Seychelles.
Kite, Cuba hook-billed	*Chondrohierax wilsonii*	Cuba.
Kite, Grenada hook-billed	*Chondrohierax uncinatus mirus*	West Indies: Grenada.
Kokako	*Callaeas cinerea*	New Zealand.
Magpie-robin, Seychelles	*Copsychus seychellarum*	Seychelles.
Maleo	*Macrocephalon maleo*	Indonesia: Celebes.
Malkoha, Red-faced	*Phaenicophaeus pyrrhocephalus*	Ceylon.
Megapode, LaPerouse's	*Megapodius laperouse*	Palau Islands, Mariana Islands.
Monals (see Pheasant)		
Monarch, Tinian	*Monarcha takatsukasae*	Mariana Islands: Tinian Island.
Ostrich, Arabian	*Struthio camelus syriacus*	Jordan, Saudi Arabia.
Ostrich, West African	*Struthio camelus spatzi*	Spanish Sahara.
Owl, Anjouan scops	*Otus rutilus capnodes*	Comoro Islands.
Owl, Seychelles	*Otus insularis*	Seychelles.
Owl, Palau	*Otus podargina*	Palau Island.
Owlet, Mrs. Morden's	*Otus ireneae*	Kenya.
Parakeet, Paradise	*Psephotus pulcherrimus*	Australia.
Parakeet, Forbes'	*Cyanoramphus auriceps forbesi*	New Zealand.
Parakeet, Mauritius ring-necked	*Psittacula krameri echo*	Mauritius.

Common name	Scientific name	Where found
Parakeet, Ochre-marked	*Pyrrhura cruentata*	Brazil.
Parakeet, Golden-shouldered	*Psephotus chrysopterygius*	Australia.
Parakeet, Turquoise	*Neophema pulchella*	Do.
Parrot, Bahamas	*Amazona leucocephala bahamensis*	Bahamas.
Parrot, Ground	*Pezoporus wallicus*	Australia.
Parrot, Imperial	*Amazona imperialis*	West Indies: Dominica.
Parrot, Night	*Geopsittacus occidentalis*	Australia.
Parrot, Orange-bellied	*Neophema chrysogaster*	Do.
Parrot, Red-browed	*Amazona rhodocorytha*	Brazil.
Parrot, St. Lucia	*Amazona versicolor*	West Indies: St. Lucia.
Parrot, St. Vincent	*Amazona guildingii*	West Indies: St. Vincent.
Parrot, Scarlet-chested	*Neophema splendida*	Australia.
Parrot, Thick-billed	*Rhynchopsitta pachyrhyncha*	Mexico, United States.
Pelican, Brown	*Pelecanus occidentalis*	Mexico, United States, Panama, Puerto Rico, etc.
Penguin, Galapagos	*Spheniscus mendiculus*	Equador: Galapagos Islands.
Pheasant, Bar-tailed	*Syrmaticus humiae*	Burma, China.
Pheasant, Blyth's tragopan	*Tragopan blythii*	China, Burma, India.
Pheasant, Brown-eared	*Crossoptilon mantchuricum*	China.
Pheasant, Cabot's tragopan	*Tragopan caboti*	Do.
Pheasant, Chinese monal	*Lophophorus lhuysii*	Do.
Pheasant, Edward's	*Lophura edwardsi*	Vietnam.
Pheasant, Imperial	*Lophura imperialis*	Do.
Pheasant, Mikado	*Syrmaticus mikado*	Taiwan.
Pheasant, Palawan peacock	*Polyplectron emphanum*	Philippines.
Pheasant, Sclater's monal	*Lophophorus sclateri*	China, Burma, India.
Pheasant, Swinhoe's	*Lophura swinhoii*	Taiwan.
Pheasant, Western tragopan	*Tragopan melanocephalus*	India, Pakistan.
Pheasant, White-eared	*Crossoptilon crossoptilon*	China, Tibet, India.
Pigeon, Azores wood	*Columba palumbus azorica*	Azores.
Pigeon, Chathan Island	*Hemiphaga novaeseelandiae chathamensis.*	New Zealand.
Piopio	*Turnagra capensis*	Mascarene Islands: Reunion Island.
Plover, New Zealand shore	*Thinornis novae-seelandiae*	New Zealand.
Rail, Auckland Island	*Rallus pectoralis muelleri*	Do.
Rhea, Darwin's	*Pterocnemia pennata*	Argentina, Peru, Uruguay, Bolivia.
Robin, Chathan Island	*Petroica traversi*	New Zealand
Robin, Scarlet-breasted	*Petroica multicolor multicolor*	Australia: Norfolk Island.
Rock-Fowl, Grey-necked	*Picathartes oreas*	Cameroon.
Rock-Fowl, White-necked	*Picathartes gymnocephalus*	Togo to Sierra Leone.
Roller, Long-tailed ground	*Uratelornis chimaera*	Madagascar.
Scrub-bird, Noisy	*Atrichornis clamosus*	Australia.
Shama, Cebu black	*Copsychus niger cebuensis*	Philippines.
Shrike, Mauritius cuckoo	*Coquus typicus*	Mascarene Islands: Mauritius.
Shrike, Reunion cuckoo	*Coquus newtoni*	Mascarene Islands: Reunion Island.
Starling, Ponape Mountain	*Aplonis pelzelni*	Caroline Islands: Ponape Island.
Starling, Rothschild's	*Leucopsar rothschildi*	Indonesia: Bali.
Stork, White oriental	*Ciconia ciconia boyciana*	Japan, Korea, China, U.S.S.R.
Tern, California least	*Sterna albifrons browni*	Mexico, United States.
Thrasher, White-breasted	*Ramphocinclus brachyurus*	West Indies: Martinique, St. Lucia.
Tragopans (see Pheasants)		
Trembler, Martinique brown	*Cinclocerthia ruficauda gutturalis*	West Indies: Martinique.
Wanderer, Plain	*Pedionomus torquatus*	Australia.
Warbler, Bachman's	*Vermivora bachmanii*	Cuba, United States.
Warbler, Barbados yellow	*Dendroica petechia petechia*	West Indies: Barbados.
Warbler, Kirtland's	*Dendroica kirtlandii*	Bahamas, United States.
Warbler, Reed	*Acrocephalus luscinia*	Mariana Islands.
Warbler, Rodrigues	*Bebrornis rodericanus*	Indian Ocean: Rodrigues Island.
Warbler, Semper's	*Luecopeza semperi*	West Indies: St. Lucia.
Warbler, Seychelles	*Bebrornis sechellensis*	Seychelles.
Whipbird, Western	*Psophodes nigrogularis*	Australia.
White-eye, Ponape great	*Rukia sanfordi*	Caroline Islands: Ponape.
White-eye, Seychelles	*Zosterops modestus*	Seychelles.
Woodpecker, Imerial	*Campephilus imperialis*	Mexico.
Woodpecker, Ivory-billed	*Campephilus principalis*	Cuba, United States.
Woodpecker, Tristram's	*Dryocopus javensis richardsi*	Korea.
Wren, Guadeloupe house	*Troglodytes aedon guadeloupensis*	West Indies: Guadeloupe
Wren, New Zealand bush	*Xenicus longipes*	New Zealand.
Wren, St. Lucia	*Troglodytes aedon mesoleucus*	West Indies: St. Lucia.
Mammals:		
Anoa	*Anoa depressicornis*	Indonesia.
Armadillo, Pink fairy	*Chlamyphorus truncatus*	Argentina.
Ass, African wild	*Equus asinus*	Ethiopia, Somalia, Sudan.
Ass, Asian wild	*Equus hemionus*	Pakistan, Iran, India, China, Afghanistan, Central Asia.
Avahis (see Indris)		
Aye-aye	*Daubentonia madagascariensis*	Madagascar.
Bandicoot, Barred	*Perameles bougainville*	Australia.
Bandicoot, Desert	*Perameles eremiana*	Do.
Bandicoot, Rabbit	*Macrotis lagotis*	Do.
Bandicoot, Lesser rabbit	*Macrotis leucura*	Do.
Bandicoot, Pig-footed	*Chaeropus ecaudatus*	Do.
Banteng	*Bibos banteng*	Southeast Asia.
Bear, Mexican grizzly	*Ursus arctos nelsoni*	Mexico.
Bison, Wood	*Bison bison athabascae*	Canada.
Cat, tiger	*Felis tigrina*	Costa Rica to northern South America.
Cheetah	*Acinonyx jubatus*	Africa, Asia Minor, India.
Clouded Leopard (see Leopard)		
Colobus, Red	*Colobus bandius rufomitratus*	Kenya.
Colobus, Zanzibar red	*Colobus badius kirkii*	Tanzania: Zanzibar.
Deer, Bawean	*Helaphus kuhli (Cervus kuhli)*	Indonesia.
Deer, Brow-Antlered, Eld's	*Cervus eldi*	India, Southeast Asia.
Deer, Marsh	*Blastocerus dichotomus*	Argentina, Uruguay, Brazil, Paraguay.
Deer, McNeill's	*Cervus elaphus macneilli*	China, Tibet.
Deer, Persian fallow	*Dama dama mesopotamica*	Iraq, Iran.
Deer, Swamp	*Cervus duvaucceli*	India, Nepal.
Dibatag, (see Gazelle, Clark's)		
Dibbler	*Antechinus apicalis*	Australia.
Dog, Asiatic wild	*Cuon alpinus*	U.S.S.R., India.
Dugong	*Dugong dugon*	East Africa to Ryukyu Islands.
Ferret, Black-footed	*Mustela nigripes*	United States, Canada.
Forester, Tasmanian	*Macropus giganteus tasmaniensis*	Australia.
Fox, Northern kit	*Vulpes velox hebes*	Canada.
Gaur (see Seladang)		
Gazelle, Clark's (Dibatag)	*Ammordorcas clarkii*	Somalia, Ethiopia.
Gazelle, Cuviers	*Gazella cuvieri*	Morocco, Tunisia.
Gazelle, Mhorr	*Gazella dama mhorr*	Morocco.

Common name	Scientific name	Where found
Gazelle, Moroccan Dorcas	*Gazella dorcas massaesyla*	Morocco, Algeria.
Gazelle, Rio de Oro Dama	*Gazella dama lozanoi*	Spanish Sahara.
Gazelle, Slender-horned (Rhim)	*Gazella leptoceros*	Sudan, Algeria, Egypt, Libya.
Gibbon, Kloss	*Hylobates klossi*	Indonesia.
Gibbon, Pileated	*Hylobates pileatus*	Laos, Thailand, Cambodia.
Gorilla	*Gorilla gorilla*	Central and Western Africa.
Hartebeest, Swayne's	*Alcelaphus buselaphus swaynei*	Ethiopia.
Hog, Pygmy	*Sus salvanius*	India, Nepal, Bhutan, Sikkim.
Hyaena, Barbary	*Hyaena hyaena barbara*	Morocco.
Hyaena, Brown	*Hyaena brunnea*	South Africa.
Ibex, Pyrenean	*Capra pyrenaica pyrenaica*	Spain.
Ibex, Walia	*Capra walie*	Ethiopia.
Impala, Black-faced	*Aepyceros melampus petersi*	Southwest Africa, Angola.
Indris, Sifakas, Avahis	Indriidae; all members of the Genera *Indri, Avahi, Propithecus.*	Madagascar and Comoro Islands.
Jaguar	*Panthera onca*	Central and South America.
Kit fox (see Fox, Kit)		
Kouprey	*Bos sauveli*	Cambodia.
Langur, Douc	*Pygathrix nemaeus*	Indochina: China and Hainan Island.
Langur, Pagi Island	*Simias concolor*	Indonesia.
Lechwe, Black	*Kobus leche smithemani*	Zambia.
Lemurs	Lemuridae; all members of the genera *Lemur, Hapalemur, Lepilemur, Cheirogaleus, Microcebus, Phaner.*	Madagascar and Comoro Islands.
Leopard	*Panthera pardus*	Africa, Asia Minor, India, Southeast Asia, Korea.
Leopard, Formosan clouded	*Neofelis nebulosa brachyurus*	Taiwan.
Leopard, Snow	*Panthera uncia*	Central Asia.
Lion, Asiatic	*Panthera leo persica*	India.
Lynx, Spanish	*Felis lynx pardina*	Spain.
Macaque, Lion-tailed	*Macaca silenus*	India.
Manatee, Amazonian	*Trichechus inunguis*	Amazon Basin.
Manatee, West Indian (Florida)	*Trichechus manatus*	Caribbean, northern South America.
Mangabey, Tana River	*Cercocebus galeritus galeritus*	Kenya.
Margay	*Felis wiedi*	Central and South America.
Marmoset, Goeldi's	*Callimico goeldii*	Brazil, Colombia, Ecuador, Peru.
Marmoset, Golden Lion (see Tamarin)		
Marsupial, Eastern Jerboa	*Antechinomys laniger*	Australia.
Marsupial-mouse, Large desert	*Sminthopsis psammophila*	Do.
Marsupial-mouse, Long-tailed	*Sminthopsis longicaudata*	Do.
Marten, Formosan yellow-throated.	*Martes flavigula chrysospila*	Taiwan.
Mexican Prairie Dog (see Prairie Dog, Mexican)		
Monk-seal (see Seal—Mediterranean Monk)		
Monkey, Spider	*Ateles geoffroyi frontatus*	Costa Rica, Nicaragua.
Do	*Ateles geoffroyi panamensis*	Costa Rica, Panama.
Monkey, Red-backed squirrel	*Saimiri oerstedii (Saimiri sciureus oerstedii).*	Do.
Monkey, Woolly spider	*Brachyteles arachnoides*	Brazil.
Mouse, Field	*Pseudomys fieldi*	Australia.
Mouse, Gould's	*Pseudomys gouldii*	Do.
Mouse, New Holland	*Pseudomys novachollandiae*	Do.
Mouse, Shark Bay	*Pseudomys praeconis*	Do.
Mouse, Shortridge's	*Pseudomys shortridgei*	Do.
Mouse, Smoky	*Pseudomys fumeus*	Do.
Mouse, Western	*Pseudomys occidentalis*	Do.
Native-cat, Eastern	*Dasyurus viverrinus*	Do.
Numbat	*Myrmecobius fasciatus*	Do.
Ocelot	*Felis pardalis*	Central and South America.
Orangutan	*Pongo pygmaeus*	Indonesia, Malaysia, Brunei.
Oryx, Arabian	*Oryx leucoryx*	Arabian Penninsula.
Otter, Cameroon clawless	*Paraonyx microdon*	Cameroons.
Otter, Giant	*Pteronura brasiliensis*	South America.
Otter, La Plata	*Lutra platensis*	Uruguay, Argentina, Bolivia, Brazil.
Planigale, Little	*Planigale subtilissima*	Australia.
Planigale, Southern	*Planigale tenuirostris*	Do.
Porcupine, Thin-spined	*Chaetomys subspinosus*	Brazil.
Possum, Mountain pigmy	*Burramys parvus*	Australia.
Possum, Scaly-tailed	*Wyulda squamicaudata*	Do.
Prairie Dog, Mexican	*Cynomys mxicanus*	Mexico.
Pronghorn, Sonoran	*Antilocapra americana sonoriensis*	Mexico, United States.
Quokka	*Setonix brachyurus*	Australia.
Rabbit, Volcano	*Romerolagus diazi*	Mexico.
Rat, Stick-nest	*Leporillus conditor*	Australia.
Rat, False water	*Xeromys myoides*	Do.
Rat-kangaroo, Brushtailed	*Bettongia penicillata*	Do.
Rat-kangaroo, Gaimard's	*Bettongia gaimardi*	Do.
Rat-kangaroo, Lesueur's	*Bettongia lesueur*	Do.
Rat-kangaroo, Plain	*Caloprymnus campestris*	Do.
Rat-kangaroo, Queensland	*Bettongia tropica*	Do.
Rhim (see Gazelle, Slender-horned).		
Rhinoceros, Great Indian	*Rhinoceros unifornis*	India, Nepal.
Rhinoceros, Javan	*Rhinoceros sondaicus*	Indonesia, Burma, Thailand.
Rhinoceros, Northern white	*Ceratotherium simum cottoni*	Zaire, Uganda, Sudan, Central African Republic.
Rhinoceros, Sumatran	*Didermoceros sumatrensis*	Southeast Asia—Bangladesh to Vietnam to Indonesia (Borneo).
Saki, White-nosed	*Chiropotes albinasus*	Brazil.
Seal, Mediterranean monk	*Monachus monachus*	Mediterranean, Northwest African Coast and Black Sea.
Seledang (Gaur)	*Bos gaurus*	India, Southeast Asia, Bangladesh.
Serval, Barbary	*Felis serval constantina*	Algeria.
Shou	*Cervus elaphus wallichi*	Tibet, Bhutan.
Sifikas (see Indris)		
Sloth, Brazilian three-toed	*Bradypus torquatus*	Brazil.
Snow Leopard (see Leopard).		
Solenodon, Cuban	*Atopogale cubana*	Cuba.
Solenodon, Haitian	*Solenodon paradoxus*	Dominican Republic, Haiti.
Stag, Barbary	*Cervus elaphus barbarus*	Tunisia, Algeria.
Stag, Kashmir	*Cervus elaphus hanglu*	Kashmir.
Tamaraw	*Anoa mindorensis*	Philippines.
Tamarin, Golden-rumped (golden-headed tamarin; golden lion marmoset).	*Leontideus* spp. (all species)	Brazil.
Tapir, Brazilian	*Tapirus terrestris*	Venezuela, Argentina, Brazil Colombia.
Tapir, Central America	*Tapirus bairdii*	Southern Mexico to Colombia and Ecuador.
Tapir, Mountain	*Tapirus pinchaque*	Colombia, Ecuador, Peru.
Thylacine (see Tiger, Tasmanian)		
Tiger	*Panthera tigris*	Central Asia, China, and Korea to India, Indonesia, and Malaysia.
Tiger, Tasmanian (Thylacine)	*Thylacinus cynocephalus*	Australia.
Tiger Cat (see Cat, Tiger)		
Uakari	*Cacajao* spp. (all species)	Peru, Colombia, Brazil, Venezuela, Ecuador.
Vicuna	*Vicugna vicugna*	Peru, Bolivia, Argentina.
Wallaby, Banded hare	*Lagostrophus fasciatus*	Australia.
Wallaby, Brindled nail-tail	*Onychogalea frenata*	Do.
Wallaby, Crescent nail-tail	*Onychogalea lunata*	Do.
Wallaby, Parma	*Macropus parma*	Do.
Wallaby, Western hare	*Lagorchestes hirsutus*	Do.
Wallaby, Yellow-footed rock	*Petrogale xanthopus*	Do.
Whale, Blue	*Balaenoptera musculus*	Oceanic.
Whale, Bowhead	*Balaena mysticetus*	Do.
Whale, Finback	*Balaenoptera physalus*	Do.
Whale, Gray	*Eschrichtius gibbosus*	Do.
Whale, Humpback	*Megaptera novaeangliae*	Do.
Whale, Right	*Eubalaena* spp	Do.
Whale, Sei	*Balaenoptera borealis*	Do.
Whale, Sperm	*Physeter catodon*	Do.
Wolf, Maned	*Chrysocyon brachyurus*	Brazil, Bolivia, Paraguay, Argentina.
Wombat, Barnard's	*Lasiorhinus barnardi*	Australia.
Wombat, Queensland hairy-nosed.	*Lasiorhinus gillespiei*	Do.
Yak, Wild	*Bos grunniens mutus*	Tibet, India.

§ 17.12 Endangered native wildlife.

After consulation with the appropriate States and after having reviewed the advice and recommendations of interested persons and organizations as appropriate, the Secretary has determined, in accordance with the provisions of 16 U.S.C. 668aa(c), the following species or subspecies of native wildlife to be threatened with extinction within the territory of the United States. The presence of a trinominal (third word) in the "scientific name" column identifies that animal as a subspecies. The "common name" column contains the most generally accepted names in the English language. When two or more common names for a species are in common usage, the most widely used one is placed first, followed by others in parentheses. The public should be aware that common and commercial names may vary from local usage. If one or more subspecies of a species are listed, it indicates that the species as a whole is not endangered although the named subspecies are.

Common Name	Scientific Name
Fishes:	
Bonytail, Pahranagat	*Gila robusta jordani.*
Chub, humpback	*Gila cypha.*
Chub, Mohave	*Siphateles mohavensis.*
Cisco, longjaw	*Coregonus alpenae.*
Cui-ui	*Chasmistes cujus.*
Dace, Kendall Warm Springs	*Rhinichthys osculus thermalis.*
Dace, Moapa	*Moapa coriacea.*
Darter, fountain	*Etheostoma fonticola.*
Darter, Maryland	*Etheostoma sellare.*
Darter, Okaloosa	*Etheostoma okaloosae.*
Darter, watercress	*Etheostoma nuchale.*
Gambusia, Big Bend	*Gambusia gaigei.*
Gambusia, Clear Creek	*Gambusia heterochir.*
Gambusia, Pecos	*Gambusia nobolis.*
Killifish, Pahrump	*Empetrichythys latos.*
Pike, blue	*Stizostedion vitreum glaucum.*
Pupfish, Comanche Springs	*Cyprinodon elegans.*
Pupfish, Devil's Hole	*Cyprinodon diabolis.*
Pupfish, Owen River	*Cyprinodon radiosus.*
Pupfish, Tecopa	*Cyprinodon nevadenis calidae.*
Pupfish, Warm Springs	*Cyprinodon nevadensis pectoralis.*
Squawfish, Colorado River	*Ptychocheilus lucius.*
Stickleback, unarmored threespine	*Gasterosterus aculeatus williamsoni.*
Sturgeon, shortnose	*Acipenser brevirostrum.*
Topminnow, Gila	*Poeciliopsis occidentalis.*
Trout, Arizona (Apache)	*Salmo sp.*
Trout, Gila	*Salmo gilae.*
Trout, greenback cutthroat	*Salmo clarki stomias.*
Trout, Lahontan cutthroat	*Salmo clarki henshawi.*
Trout, Paiute cutthroat	*Salmo clarki seleniris.*
Woundfin	*Plagopherus argentissimus.*
Reptiles and amphibians:	
Alligator, American	*Alligator mississipiensis.*
Boa, Puerto Rican	*Epicrates inornatus.*
Lizard, blunt-nosed leopard	*Crotaphytus silus.*
Salamander, desert slender	*Batrachoseps aridus.*
Salamander, Santa Cruz long-toed	*Ambystoma macrodactylum croceum.*
Salamander, Texas blind	*Typhlomolge rathbuni.*
Snake, San Francisco garter	*Thamnophis sirtalis tetrataenia.*
Toad, Houston	*Bufo houstonensis.*
Birds:	
Akepa, Hawaii (akepa)	*Loxops coccinea coccinea.*
Akepa, Maui (akepuie)	*Loxops coccinea ochraceu.*
Akialoa, Kauai	*Hemignathus procerus.*
Akiapolaau	*Hemignathus wilsoni.*
Bobwhite, masked	*Colinus virginianus ridwayi.*
Condor, California	*Gymnogyps californianus.*
Coot, Hawaiian	*Fulica americana alai.*
Crane, Mississippi sandhill	*Grus canadensis pulla.*
Crane, whooping	*Grus americana.*
Crow, Hawaiian (alala)	*Corvus tropicus.*
Creeper, Molakai (kakawahie)	*Loxops maculata flammea.*
Creeper, Oahu (alauwahio)	*Loxops maculata maculata.*
Curlew, Eskimo	*Numenius borealis.*
Duck, Hawaiian (koloa)	*Anas wyvilliana.*
Duck, Laysan	*Anas laysanensis.*
Duck, Mexican	*Anas diazi.*
Eagle, Southern bald	*Haliaeetus leucocephalus leucocephalus.*
Falcon, American peregrine	*Falco peregrinus anatum.*
Falcon, Arctic peregrine	*Falco peregrinus tundrius.*
Finches, Laysan and Nihoa	*Psittirostra cantans.*
Gallinule, Hawaiian	*Gallinula chloropus sandvicensis.*
Goose, Aleutian Canada	*Branta canadensis leucopareia.*
Goose, Hawaiian (nene)	*Branta sandvicensis.*
Hawk, Hawaiian (io)	*Buteo solitarius.*
Kite, Florida Everglade (snail kite)	*Rostrhamus sociabilis plumbeus.*
Honeycreeper, crested (akohekohe)	*Palmeria dolei.*
Millerbird, Nihoa	*Acrocephalus kingi.*
Nukupuus, Kauai and Maui	*Hemignathus lucidus.*
Oo, Kauai (oo aa)	*Moho braccatus.*
Ou	*Psittirosta psittacea.*
Palila	*Psittirostra bailleui.*
Parrot, Puerto Rican	*Amazona vittata.*
Parrotbill, Maui	*Pseudonestor xanthorphrys.*
Pelican, brown	*Pelecanus occidentailis.*
Petrel, Hawaiian dark-rumped	*Pterodroma phaeopygia sandwichensis.*
Pigeon, Puerto Rican plain	*Columba inornata wetmorei.*
Prairie Chicken, Attwater's greater	*Tympanuchus cupido attwateri.*
Rail, California clapper	*Rallus longirostris obsoletus.*
Rail, light-footed clapper	*Rallus longirostris levipes.*
Rail, Yuma clapper	*Rallus longirostris yumanensis.*
Sparrow, Cape Sable	*Ammospiza mirabilis.*
Sparrow, dusky seaside	*Ammospiza migrescens.*
Sparrow, Santa Barbara	*Melospiza melodia graminea.*
Stilt, Hawaiian	*Himantopus himantopus knudseni.*
Tern, California least	*Sterna albifrons browni.*
Thrush, large Kauai	*Phaeornis obscurus myadestina.*
Thrush, Molokai (olomau)	*Phaeornis obscurus rutha.*
Thrush, small Kauai (puaiohi)	*Phaeornis palmeri.*
Warbler, Bachman's	*Vermivora bachmanii.*
Warbler, Kirtland's	*Dendroica kirtlandii.*
Whip-poor-will, Puerto Rican	*Caprimulgus noctitherus.*
Woodpecker, ivory-billed	*Campephilus principalis.*
Woodpecker, red-cockaded	*Dendrocopus borealis.*
Mammals:	
Bat, Hawaiian hoary	*Lasiurus cinereus semotus.*
Bat, Indiana	*Lyotis sodalis.*
Cougar, Eastern	*Felis concolor cougar.*
Deer, Columbian white-tailed	*Odocoileus virginianus leucurus.*
Deer, Key	*Odocoileus virginianus clavium.*
Ferret, black-footed	*Mustela nigripes.*
Fox, San Joaquin kit	*Vulpes macrotis mutica.*
Manatee, Florida (sea cow)	*Trichechus manatus latirostris.*
Mouse, salt marsh harvest	*Reithrodontomys raviventris.*
Panther, Florida	*Felis concolor coryi.*
Prairie Dog, Utah	*Cynomys parvidens.*
Pronghorn, Sonoran	*Antilocapra americana sonoriensis.*
Rat, Morro Bay kangaroo	*Dipodomys heermanni morroensis.*
Squirrel, Delmarva Peninsula fox	*Sciurus niger cinereus.*
Wolf, Eastern timber	*Canis lupus lycaon.*
Wolf, Northern Rocky Mountain	*Canis lupus irremotus.*
Wolf, red	*Canis rufus.*

§ 17.13 Amendments of the list of endangered wildlife.

(a) The lists of endangered foreign wildlife (§ 17.11) and endangered native wildlife (§ 17.12) may be revised from time to time as additional data become available which show, to the Secretary's satisfaction, that a species or subspecies should be added to or removed from either list.

(b) The Director shall receive and maintain data regarding endangered species and subspecies of wildlife and at least once every 5 years, will conduct a thorough review of the lists of endangered wildlife. Any revisions of the lists which are proposed by the Secretary as the result of such review or otherwise will be published in the FEDERAL REGISTER, which notice shall give interested persons not less than 30 days to submit written comments and suggestions.

(c) At any time any interested person may submit a request for a review of any particular listed or nonlisted species or subspecies. Such requests must be dated and in writing, and should be submitted to the Director. The request must contain the following information:

(1) Name and address of the person making the request;

(2) Association, organization, or business, if any, represented by the person making the request;

(3) Reasons why the person making the request, or the person he represents, should be considered to be an "interested person";

(4) Designation of the particular species or subspecies in question by common and scientific name;

(5) Narrative explanation of the request for review and justification for a change in the status of the species or subspecies as aforesaid in question;

(6) Scientific, commercial, or other data believed to support the request; and

(7) Signature of the person making the request.

If it is determined that substantial evidence has been presented which warrants a review, a finding to that effect

shall be published in the FEDERAL REGISTER. Such notice shall give all interested persons an opportunity to submit information on the status of the species or subspecies under review in such form or manner as may be specified.

Subpart C—Endangered Wildlife Importation Permits

§ 17.21 General permit requirement.

No person shall import from any foreign country and species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (§ 17.11) without a valid permit issued pursuant to this subpart C.

§ 17.22 Economic hardship permits.

The Director may, upon receipt of an application *and in accordance with the issuance criteria of this section,* issue a permit authorizing importation of endangered foreign wildlife to prevent undue economic hardship.

(a) *Application procedure.*—Applications for permits to import endangered foreign wildlife to prevent undue economic hardship shall be submitted by letter of application to the Director. Each such application *must* contain the general information and certification *required by § 13.12(a)* of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, and description (e.g., tanned hides), of the wildlife to be covered in the permit;

(2) Purpose of the importation;

(3) A full statement of the facts, circumstances and reasons why failure to grant a permit under this section would lead to undue economic hardship, together with all supporting documents, including certified copies of all relevant contracts, correspondence, financial commitments, and current and historical financial data which show the dollar amount of anticipated loss or economic hardship;

(4) A full statement of the applicant's involvement with the importation of the same or similar species or subspecies of wildlife during the calendar year immediately preceding the date the proposal to list such species or subspecies as endangered was published in the FEDERAL REGISTER and the same information for the period between the date the proposed listing was published in the FEDERAL REGISTER and the date the actual determination that the species or subspecies was endangered. This statement should include certified copies of all relevant contract, correspondence, and financial data pertaining to such importations;

(5) The economic and legal alternatives available to the applicant;

(6) Method of shipment;

(7) If live wildlife is involved, a detailed description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States must be included;

(8) Date the importation is expected to occur; and

(9) Designated port of entry through which the importation will be made.

(b) *Additional permit conditions.*—In addition to the general conditions set forth in part 13 of this subchapter B, permits to import endangered wildlife to prevent undue economic hardship shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importations made under authority of such permit shall be submitted in writing to the Director within 10 days following such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities (phone 202–343–5687) immediately. The carcass of any such wildlife which die or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider the following in determining whether to issue a permit to import endangered foreign wildlife to prevent undue economic hardship:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of the wildlife;

(2) The severity of the economic hardship that likely would result should the permit not be issued;

(3) Evidence that the applicant had entered into a valid, binding contract to import into the United States the wildlife in question and that such contract had been concluded prior to the date on which the wildlife was listed as endangered pursuant to § 17.11;

(4) Whether the contract referred to in paragraph (c)(3) of this section had been entered into during the period between publication in the FEDERAL REGISTER of the proposal to list such species as endangered and the date of actual determination that the species or subspecies was endangered or during a period when the applicant would otherwise likely have known the wildlife in question would be determined to be endangered;

(5) Whether it appears the applicant can reasonably effect the importation within 1 year from the date on which the wildlife in question was listed as endangered in § 17.11; and

(6) The economic, legal or other alternatives or relief available to the applicant.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife to prevent undue economic hardship shall be designated on the face of the permit, but in not case shall extend beyond 1 year following the addition of that species or subspecies to the list of endangered foreign wildlife in § 17.11.

§ 17.23 Zoological, educational, scientific, or propagation permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation of endangered foreign wildlife for zoological, scientific, or educational purposes, or for the propagation of such wildlife in captivity.

(a) *Application procedures.*—Application for permits to import endangered foreign wildlife for zoological, educational, scientific, or propagational purposes shall be submitted by letter of application to the Director. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit;

(2) Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

(5) A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild;

(6) A résumé of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate; and

(7) If live wildlife is to be imported, include:

(i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported;

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook; and

(iv) A detail description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

(b) *Additional permit condition.*—In addition to the general conditions set

forth in part 13 of this subchapter B, permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importation made under authority of any such permit shall be submitted in writing to the Director. Such report must be postmarked or actually delivered no later than 10 days following each such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Bureau's Office of Endangered Species and International Activities immediately. The carcass of any such wildlife which die or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider, among other criteria, the following in determining whether to issue a permit to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity:

(1) The direct or indirect effect which issuing such a permit would be likely to have upon the wild populations of the wildlife;

(2) Whether the purpose for which the permit is being requested would likely reduce the severity of the threat of extinction facing the subject species or subspecies;

(3) Opinions or views of scientists or other persons or organizations knowledgeable of the wildlife to be imported or of other matters germane to the application;

(4) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application; and

(5) Whether the purpose for which the permit is being requested is adequate to justify the removal of the wildlife from the wild or otherwise change its status.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be designated on the face of the permit.

PART 19—AIRBORNE HUNTING

Subpart A—Introduction

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19.32 Annual reporting requirements.

AUTHORITY. Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742j-1).

Subpart A—Introduction

§ 19.1 Purpose of regulations.

The regulations contained in this part provide rules relative to the prohibition against shooting or harassing of wildlife from any aircraft, provide the requirements for the contents and filing of annual reports by the States regarding permits issued for such shooting or harassing, and provide regulations necessary for effective enforcement of the Fish and Wildlife Act of 1956 as amended (16 U.S.C. 742a–j–1).

§ 19.2 Scope of regulations.

The regulations contained in this part apply to all persons within the territorial jurisdiction of the United States, to all United States citizens whether within the territorial jurisdiction of the United States or on the high seas or on board aircraft in flight over the high seas, and to all persons on board aircraft belonging in whole or in part to any United States citizen, firm, or partnership, or corporation created by or under the laws of the United States, or any State, territory or possession thereof.

§ 19.3 Relation to other laws.

The exemptions to general prohibitions of the Fish and Wildlife Act of 1956, that permit airborne hunting in certain circumstances (See Subpart B of this part) do not supersede, or authorize the violation of, other laws designed for the conservation or protection of wildlife, including those laws prohibiting the shooting or harassing of bald and golden eagles, polar bears and other marine mammals, migratory birds, and other wildlife, *except* to the extent that airborne hunting is authorized by regulations or permits issued under authority of those laws. [See e.g., § 21.41 of this Subchapter]

§ 19.4 Definitions.

In addition to definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 19:

"*Harass*" means to disturb, worry, molest, rally, concentrate, harry, chase, drive, herd or torment.

Subpart B—Prohibitions

§ 19.11 General prohibition.

(a) Except as otherwise authorized by the Fish and Wildlife Act of 1956 as amended, no person shall:

(1) While airborne in any aircraft shoot or attempt to shoot for the purpose of capturing or killing any wildlife;

(2) Use an aircraft to harass any wildlife; or

(3) Knowingly participate in using an aircraft whether in the aircraft or on the ground for any purpose referred to in paragraph (a) (1) or (2):

(b) The acts prohibited in this section include, but are not limited to, any person who—

(1) Pilots or assists in the operation of an aircraft from which another person shoots or shoots at wildlife while airborne, or

(2) While on the ground takes or attempts to take any wildlife by means, aid, or use of an aircraft.

§ 19.12 Exceptions to general prohibitions.

The prohibitions of the preceding section shall not apply to any person who—

(1) Is acting within the scope of his official duties as an employee or authorized agent of a State or the United States to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops; or

(2) Is acting within the limitations of a permit referred to in §§ 19.21 or 19.31 of this part.

Subpart C—Federal Permits

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued to authorize any person to hunt, shoot, or harass any wildlife from an aircraft, except for Federal permits to scare or herd migratory birds referred to in § 21.41 of this subchapter.

Subpart D—State Permits and Annual Report Requirements

§ 19.31 State permits.

(a) Except as provided in § 19.3, States may issue permits to persons to engage in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops. States may not issue permits for the purpose of sport hunting.

(b) Upon issuance of a permit by a State to a person pursuant to this section, the issuing authority will provide immediate notification to the Special Agent in Charge having jurisdiction according to § 10.22.

§ 19.32 Annual reporting requirements.

(a) Any State issuing permits to persons to engage in airborne hunting or harassing of wildlife or any State whose employees or agents participate in airborne hunting or harassing of wildlife for purposes of administering or protecting land, water, wildlife, livestock, domestic animals, human life or crops, shall file with the Director, an annual report on or before July 1 for the preceding calendar year ending December 31.

(b) The annual report required by this section shall contain the following information as to each such permit issued:

(1) The name and address of each person to whom a permit was issued.

(2) Permit number and inclusive dates during which permit was valid.

(3) The aircraft number of the aircraft used and the location where such aircraft was based.

(4) Common name and number of the wildlife for which authorization to take was given and a description of the area from which the wildlife were authorized to be taken.

(5) The purpose for which the permit was issued, specifically identifying whether the permit was issued to protect land, water, wildlife, livestock, domestic animals, crops, or human life.

(6) The common name and number of wildlife taken by permittees and State employees or agents.

(c) A compilation of all annual reports required by this section shall be made by the Director and furnished to any State filing such annual report.

PART 21—MIGRATORY BIRD PERMITS

Subpart A—Introduction

Sec.

21.1 Purpose of regulations.
21.2 Scope of regulations.

Subpart B—General Requirements And Exceptions

21.11 General permit requirements.
21.12 General exception to permit requirements.
21.13 Permit exceptions for captive-reared mallard ducks.
21.14 Permit exceptions for captive-reared migratory waterfowl other than mallard ducks.

Subpart C—Specific Permit Provisions

21.21 Import and export permits.
21.22 Banding or marking permits.
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Subpart D—Control of Depredating Birds

21.41 Depredation permits.
21.42 Authority to issue depredating orders to permit the killing of migratory game birds.
21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.
21.44 Depredation order for designated species of depredating birds in California.
21.45 Depredation order for depredating purple gallinules in Louisiana.

AUTHORITY.—Migratory Bird Treaty Act, sec. 3, 40 Stat. 755 (16 U.S.C. 704).

Subpart A—Introduction

§ 21.1 Purpose of regulations.

The regulations contained in this part supplement the general permit regulations of part 13 of this subchapter with respect to permits for the taking, possession, transportation, sale, purchase, barter, export, import, banding and marking of migratory birds. This part also provides certain exceptions to permit requirements for public, scientific or educational institutions, and establishes depredation orders which provide certain limited exceptions to the Migratory Bird Treaty Act (16 U.S.C. 703–711).

§ 21.2 Scope of regulations.

(a) Migratory birds, their parts, nests, or eggs, lawfully acquired prior to the effective date of Federal protection under the Migratory Bird Treaty Act (16 U.S.C. 703–711) may be possessed or transported without a Federal permit, but may not be imported, exported, purchased, sold, bartered, or offered for purchase, sale, trade, or barter, and all shipments of such birds must be marked as provided by 18 U.S.C. 44 and § 14.81 of this subchapter: *Provided,* That no exemption from any statute or regulation shall accrue to any offspring of such birds.

(b) This Part 21, except for § 21.22 (banding or marking permits), does not apply to the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*) for which regulations are provided in part 22 of this subchapter.

(c) The provisions of this Part are in addition to, and are not in lieu of other regulations of this Subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife (see also Part 13.)

Subpart B—General Requirements and Exceptions

§ 21.11 General permit requirements.

No person shall take, possess, transport, sell, purchase, barter, or offer for sale, purchase or barter, export or import any migratory bird, or the parts, nests, or eggs of such bird except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and part 13, or as permitted by regulations in this part or part 20 (the hunting regulations).

§ 21.12 General exception to permit requirements.

The following exceptions to the permit requirement are allowed.

(a) Employees of the Department of the Interior authorized to enforce the provisions of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 703–711), may, without a permit, take or otherwise acquire, hold in custody, transport, and dispose of migratory birds or their parts, nests, or eggs as necessary in performing their official duties.

(b) State game departments, municipal game farms or parks, and public museums, public zoological parks, and public scientific or educational institutions may acquire by gift or purchase, possess, transport, and by gift or sale dispose of lawfully acquired migratory birds or their progeny, parts, nests, or eggs without a permit: *Provided,* That such birds may be acquired only from persons authorized by this paragraph or by a permit issued pursuant to this part to possess and dispose of such birds, or from Federal or State game authorities by the gift of seized, condemned, or sick or injured birds. Any such birds, acquired without a permit, and any progeny therefrom may be disposed of only to persons authorized by this paragraph to acquire such birds without a permit. Any person exercising a privilege granted by this paragraph must keep accurate records of such operations showing the species and number of birds acquired, possessed, and disposed of; the names and addresses of the persons from whom such birds were acquired or to whom such birds were donated or sold; and the dates of such transactions. These records shall be maintained on a calendar year basis and shall be retained for a period of 5 years following the end of the calendar year covered by the records.

§ 21.13 Permit exceptions for captive-reared mallard ducks.

Captive-reared and properly marked mallard ducks, alive or dead, or their eggs may be acquired, possessed, sold, traded, donated, transported, exported (but not imported), and disposed of by any person without a permit, subject to the following conditions, restrictions, and requirements:

(a) Nothing in this section shall be construed to permit the taking of live mallard ducks or their eggs from the wild.

(b) All mallard ducks possessed in captivity, without a permit, shall have been physically marked by removal of the hind toe from the right foot prior to 4 weeks of age and all such ducks hatched, raised, and retained in captivity thereafter shall be so marked prior to reaching 4 weeks of age.

(c) When so marked, such live birds may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place: *Provided,* That all such birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 4 weeks of age.

(d) When so marked, such live birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of mallard ducks from the wild: *Provided,* That such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization; or they may be shot, in any number, at any time or place, by any person for bona fide dog training or field trial purposes: *Provided further,* That the provisions of the hunting regulations (part 20 of this subchapter) and the Migratory Bird Hunting Stamp Act (duck stamp requirement) shall not apply to shooting preserve operations, as provided for in this paragraph, or to bona fide dog training or field trial operations.

(e) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided,* That persons, who operate game farms or shooting preserves under a State license, permit, or authorization for such activities, may remove the marked foot when either the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to

requirements of his State license, permit, or authorization. When properly marked, such carcasses may be disposed of to, or acquired from, any person and possessed and transported in any number at any time or place.

§ 21.14 Permit exceptions for captive-reared migratory waterfowl, other than mallard ducks.

Any person may, without a permit, lawfully acquire captive-reared and properly marked migratory waterfowl of all species other than mallard ducks, alive or dead, or their eggs, and possess and transport such birds or eggs and any progeny or eggs therefrom solely for his own use subject to the following conditions and restrictions:

(a) Such birds, alive or dead, or their eggs may be lawfully acquired only from holders of valid waterfowl sale and disposal permits except that properly marked carcasses of such birds may also be lawfully acquired as provided under paragraph (c) of this section.

(b) All progeny of such birds or eggs hatched, raised, and retained in captivity must be physically marked by removal of the hind toe from the right foot prior to reaching 4 weeks of age.

(c) No such birds or eggs or any progeny or eggs thereof may be disposed of by any means, alive or dead, to any other person unless a waterfowl sale and disposal permit has first been secured authorizing such disposal: *Provided,* That bona fide clubs, hotels, restaurants, boarding houses, and dealers in meat and game may serve or sell to their customers the carcasses of any such birds which they have acquired from the holder of a valid waterfowl sale and disposal permit.

(d) Lawfully possessed and properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the taking of like species from the wild. (See pt. 20 of this subchapter.)

(e) At all times during possession, transportation, and storage until the raw carcasses of such bird are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass unless such carcasses were otherwise properly marked and the foot removed prior to acquisition.

(f) When any such birds, alive or dead, or their eggs are acquired from a waterfowl sale and disposal permittee, the permittee shall furnish a copy of form 3–186, notice of waterfowl sale or transfer, to be retained on file by the buyer during his possession of such birds or eggs or progeny or eggs thereof.

Subpart C—Specific Permit Provisions

§ 21.21 Import and export permits.

(a) *Permit requirement.*—(1) A permit from the U.S. Department of Agriculture is required before any live migratory birds or eggs of the family Anatidae (wild ducks, geese, brant, and swans) may be imported. The permit required by this paragraph may be obtained by letter of application addressed to USDA—ARS—ANH, Import-Export Animals and Products, Hyattsville, Md. 20782.

(2) An importation permit is required before any live birds, other than waterfowl or their eggs, or dead migratory birds, or their parts, nests, or eggs may be imported. Excepted from the permit required by this paragraph are: (1) Live birds of the family Anatidae, the importation of which is regulated by the preceding paragraph; and (2) migratory birds taken pursuant to the migratory bird hunting regulations, part 20 of this subchapter.

(3) A permit is required before any migratory birds, or their parts, nests, or eggs may be exported. Provided that captive-reared mallards may be exported without a permit as provided in § 21.13.

(b) *Application procedures.*—Applications for permits to import or export migratory birds shall be submitted to the appropriate Special Agent in Charge (see § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Whether importation or exportation is requested;

(2) Species and numbers of migratory birds or their parts, nests, or eggs to be imported or exported;

(3) Name and address of the person from whom such birds are being imported or to whom they are being exported;

(4) Purpose for which importation or exportation is being made;

(5) Estimated date of arrival or departure of shipment, and the port of entry or exit through which the shipment will be imported or exported; and

(6) Federal and State permit numbers and type of permits authorizing possession, acquisition, or disposition of such birds, their parts, nests, or eggs where such a permit is required.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in Part 13 of this Subchapter B, import and export permits shall be subject to the following conditions:

In addition to any reporting requirement set forth in the permit, a report of the importations or exportations made under authority of such permit shall be submitted in writing to the Director. Such report must be postmarked or actually delivered no later than 10 days following each such importation or exportation.

(d) *Tenure of permits.*—The tenure of import and export permits shall be designated on the face of the permit.

§ 21.22 Banding or marking permits.

(a) *Permit requirement.* A banding or marking permit is required before any person may capture migratory birds for banding or marking purposes or use official bands issued by the Bureau for banding or marking any migratory bird.

(a) *Application procedures.* Applications for banding or marking permits shall be submitted by letter of application addressed to the Bird Banding Laboratory, Office of Migratory Bird Management, Bureau of Sport Fisheries and Wildlife, Laurel, Maryland 20810. Each such application shall contain the general information and certification set forth by § 13.12(a) of this subchapter plus the following additional information:

(1) Species and numbers proposed to be banded or marked;

(2) Purpose of banding or marking;

(3) State or States in which authorization is requested; and

(4) Name and address of the public, scientific, or educational institution to which any specimens will be donated that are salvaged pursuant to paragraphs (c)(3) and (4) of this section.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, banding or marking permits shall be subject to the following conditions:

(1) The banding of migratory birds shall only be by official numbered leg bands issued by the Bureau. The use of any other band, clip, dye, or other method of marking is prohibited unless specifically authorized in the permit.

(2) All traps or nets used to capture migratory birds for banding or marking purposes shall have attached thereto a tag or label clearly showing the name and address of the permittee and his permit number, or the area in which such traps or nets are located must be posted with notice of banding operations posters (form 3–1155, available upon request from the Bird Banding Laboratory, Office of Migratory Bird Management, Bureau of Sport Fisheries and Wildlife, Laurel, Md. 20810) which shall bear the name and address of the permittee and the number of his permit.

(3) The holder of a banding or marking permit may salvage, for the purpose of donating to a public scientific or educational institution, birds killed or found dead as a result of the permittee's normal banding operations, and casualties from other causes. All dead birds salvaged under authority of a migratory bird banding or marking permit must be donated and transferred to a public scientific or educational institution at least every 6 months or within 60 days of the time such permit expires or is revoked, unless the permittee has been issued a special permit authorizing possession for a longer period of time.

(4) Permittees must keep accurate records of their operations and file reports as set forth in the North American Bird Banding Manual, or supplements thereto, in accordance with instructions contained therein.

(d) *Tenure of permits.*—Banding or marking permits are valid for a period of 2 years from the date of issue, unless otherwise stated on the face of the permit.

§ 21.23 Scientific collecting permits.

(a) *Permit requirement.* A scientific collecting permit is required before any person may take, transport, or possess migratory birds, their parts, nests, or eggs for scientific research or educational purposes.

(b) *Application procedures.* Applications for scientific collecting permits

shall be submitted to the appropriate Special Agent in Charge (See: § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12 (a) of this subchapter plus the following additional information:

(1) Species and numbers of migratory birds or their parts, nests, or eggs to be taken or acquired when it is possible to determine same in advance;

(2) Location or locations where such scientific collecting is proposed;

(3) Statement of the purpose and justification for granting such a permit, including an outline of any research project involved;

(4) Name and address of the public, scientific, or educational institution to which all specimens ultimately will be donated; and

(5) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, scientific collecting permits shall be subject to the following conditions:

(1) All specimens taken and possessed under authority of a scientific collecting permit must be donated and transferred to the public scientific, or educational institution designated in the permit application within 60 days following the date such permit expires or is revoked, unless the permittee has been issued a special purpose permit (See § 21.27) authorizing possession for a longer period of time.

(2) Unless otherwise provided on the permit, all migratory game birds taken pursuant to a scientific collecting permit during the open hunting season for such birds must be in conformance with part 20 of this subchapter;

(3) Unless specifically stated on the permit, a scientific collecting permit does not authorize the taking of live migratory birds from the wild.

(4) In addition to any reporting requirement set forth in the permit, a report of the scientific collecting activities conducted under authority of such permit shall be submitted to the issuing officer on or before January 10 of each calendar year following the year of issue unless a different date is stated in the permit.

(d) *Tenure of permit.* The tenure of scientific collecting permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

§ 21.24 Taxidermist permits.

(a) *Permit requirement.*—A taxidermist permit is required before any person may perform taxidermy services on migratory birds or their parts, nests, or eggs for any person other than himself.

(b) *Application procedures.*—Application for taxidermist permits shall be submitted to the appropriate Special Agent in Charge (See: § 13.11(b) of this subchapter). Each such application must contain the general information and certification set forth by § 13.12(a) of this subchapter plus the following additional information:

(1) The address of premises where taxidermist services will be provided;

(2) A statement of the applicant's qualifications and experience as a taxidermist; and

(3) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Permit authorizations.*—A permit authorizes a taxidermist to:

(1) Receive, transport, hold in custody or possession, mount or otherwise prepare, migratory birds, and their parts, nests, or eggs, and return them to another.

(2) Sell properly marked, captive reared migratory waterfowl which he has lawfully acquired and mounted. Such mounted birds may be placed on consignment for sale and may be possessed by such consignee for the purpose of sale.

(d) *Additional permit conditions.*—In addition to the general conditions set forth in part 13 of this subchapter B, taxidermist permits shall be subject to the following conditions:

(1) Permittees must keep accurate records of operations, on a calendar year basis, showing the names and addresses of persons from and to whom migratory birds or their parts, nests, or eggs were received or delivered, the number and species of such, and the dates of receipt and delivery. In addition to the other records required by this paragraph, the permittee must maintain in his files, the original of the completed form 3–186, Notice of Waterfowl Sale or Transfer, confirming his acquisition of captive reared, properly marked migratory waterfowl from the holder of a current waterfowl sale and disposal permit.

(2) Notwithstanding the provisions of paragraph (c) of this section, the receipt, possession, and storage by a taxidermist of any migratory game birds taken by another by hunting is not authorized unless they are tagged as required by § 20.36 of this subchapter. The required tags may be removed during the taxidermy operations but must be retained by the taxidermist with the other records required to be kept and must be reattached to the mounted specimen after mounting. The tag must then remain attached until the mounted specimen is delivered to the owner.

(e) *Tenure of permit.*—The tenure of taxidermist permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 21.25 Waterfowl sale and disposal permits.

(a) *Permit requirement.* A waterfowl sale and disposal permit is required before any person may lawfully sell, trade, donate, or otherwise dispose of, to another person, any species of captive-reared and properly marked migratory waterfowl or their eggs, except that such a permit is not required for such sales or disposals of captive-reared and properly marked mallard ducks or their eggs.

(b) *Application procedures.* Applications for waterfowl sale and disposal permits shall be submitted to the appropriate Special Agent in Charge (see: § 13.12(a) of this subchapter plus the following additional information:

(1) A description of the area where waterfowl are to be kept;

(2) Species and numbers of waterfowl now in possession and a statement showing from whom these were obtained;

(3) A statement as to whether or not all such waterfowl are marked as required by the provisions of this Part 21; and

(4) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, waterfowl sale and disposal permits shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild, and may not acquire such birds or their eggs from any person not authorized by a valid permit issued pursuant to this part to dispose of such birds or their eggs.

(2) All live migratory waterfowl possessed in captivity under authority of a valid waterfowl sale and disposal permits shall have been, prior to 4 weeks of age, physically marked by removal of the hind toe from the right foot. All offspring of such birds hatched, raised and retained in captivity shall be so marked prior to attaining 4 weeks of age. The preceding does not apply to captive adult geese, swans, and brant which were marked previous to March 1, 1967, by a "V" notch in the web of one foot, nor to such birds held in captivity at public zoological parks, and public scientific or educational institutions.

(3) Such properly marked birds may be killed, in any number, at any time or place, by any means except shooting. Such birds may be killed by shooting only in accordance with all the applicable hunting regulations governing the taking of like species from the wild.

(4) At all times during possession, transportation, and storage until the raw carcasses of such birds are finally processed immediately prior to cooking, smoking, or canning, the marked foot must remain attached to each carcass: *Provided,* That permittees who are also authorized to sell game under a State license, permit, or authorization may remove the marked foot from the raw carcasses if the number of his State license, permit, or authorization has first been legibly stamped in ink on the back of each carcass or on the wrapping or container in which each carcass is maintained, or each carcass is identified by a State band on leg or wing pursuant to requirements of his State license, permit, or authorization.

(5) Such properly marked birds, alive or dead, or their eggs may be disposed of in any number, at any time or place, to any person: *Provided,* That all such

birds shall be physically marked prior to sale or disposal regardless of whether or not they have attained 4 weeks of age, and *Provided further,* That on each date that any such birds or their eggs are transferred to another person, the permittee must complete a form 3–186, Notice of Waterfowl Sale or Transfer. (Bureau will provide supplies of form.) The permittee will furnish the original of completed form 3–186 to the person acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the office of the Bureau of Sport Fisheries and Wildlife which issued his permit.

(d) *Tenure of permits.*—The tenure of waterfowl sale and disposal permits or renewals thereof shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue.

§ 21.26 Special aviculturist permit.

(a) *Permit requirement.*—A special aviculturist permit is required before any person may acquire, propagate, possess, exhibit, or dispose of by exchange, sale, or gift to another person captive-reared migratory waterfowl not physically marked by removal of the hind toe from the right foot.

(b) *Application procedures.*—Applications for special aviculturist permits shall be submitted to the appropriate Special Agent in Charge (see: § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following information:

(1) A description of the area where such waterfowl are to be kept;

(2) Statement of number and species of non-toe-clipped waterfowl permittee now possesses, and the number of each species he requests to be authorized to possess;

(3) Statement of how, or when and from whom any non-marked waterfowl presently in possession were acquired;

(4) Statement of justification and need for such permit; and

(5) If a State permit is required by State law, a statement as to whether or not the applicant possesses such State permit, giving its number and expiration date.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, special aviculturist permits shall be subject to the following conditions:

(1) Permittees may not take migratory waterfowl or their eggs from the wild.

(2) Permittees may not dispose of migratory waterfowl which are not marked by physical removal of the hind toe from the right foot prior to 4 weeks of age to any person who does not hold a valid special aviculturist permit, nor acquire such unmarked waterfowl from any person who is not the holder of a valid special aviculturist permit.

(3) On each date that any such unmarked birds or their eggs are transferred to another special aviculturist permittee, the permittee transferring the birds or their eggs must complete a form 3–186, Notice of Waterfowl Sale or Transfer. The permittee will furnish the original of completed form 3–186 to the permittee acquiring the birds or eggs; retain one copy in his files as a record of his operations; and, on or before the last day of each month, mail three copies of each form completed during that month to the issuing official. The permittee shall clearly indicate on such form 3–186 that the waterfowl sold or transferred were "unmarked" and shall place his special aviculturist permit number on the form, as well as the permit number of the transferee, and shall not report such sales under authority of any other Federal permit. The Bureau will provide form 3–186 to permittees upon request.

(4) Permittees shall keep records in conformance with the provisions of § 13.46 of this subchapter. Such records shall be kept separately from records of activities under any other Federal permit held by the permittee.

(5) Within 30 days following December 31 of each calendar year, permittee must file a report, negative or otherwise, on a form furnished for that purpose. This form will require each permittee to record information concerning his transactions during the year, and will include but may not be limited to, the number of each species of non-toe-clipped waterfowl and waterfowl eggs on hand at the beginning of the period covered by the report, the name, address, and aviculturist permit number of each permittee from whom he acquired and to whom he transferred any non-toe-clipped waterfowl or waterfowl eggs, and the number of each species of non-toe-clipped waterfowl and waterfowl eggs left on hand as of December 31 of the year covered in the report.

(d) *Tenure of permit.*—The tenure of special aviculturist permits shall be from date of issue through the 31st day of December of the second full calendar year following the year of issue unless a different period of time is prescribed in the permit.

§ 21.27 Special purpose permits.

Subject to the discretion and policies of the Bureau, permits may be issued for migratory bird activities outside the scope of the standard form permits of this part, upon a sufficient showing of benefit to the migratory bird resource, important research reasons, humane, or other compelling justification.

(a) *Permit requirement.*—A special purpose permit is required before any person may lawfully take, salvage, otherwise acquire, transport, or possess migratory birds, their parts, nests, or eggs for any purpose not covered by the standard form permits of this part.

(b) *Application procedures.*—Applications for special purpose permits shall be submitted to the appropriate Special Agent in Charge (see § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) A detailed statement describing the project or activity which requires issuance of a permit, purpose of such project or activity, and a delineation of the area in which it will be conducted. (Copies of supporting documents, research proposals, and any necessary State permits should accompany the application);

(2) Numbers and species of migratory birds involved where same can reasonably be determined in advance; and

(3) Statement of disposition which will be made of migratory birds involved in the permit activity.

(c) *Additional permit conditions.*—In addition to the general conditions set forth in Part 13 of this Subchapter B, special purpose permits shall be subject to the following conditions:

(1) Permittees shall file with the issuing officer an annual report of operations not later than January 31 of each year for the preceding calendar year or any portion thereof during which the permit was in force, describing in detail operations under the permit, number and species of migratory birds acquired, disposed of, and an inventory of those on hand as of December 31.

(2) Permittees shall make such other reports as may be requested by the issuing officer.

(d) *Tenure of permits.*—The tenure of special purpose permits shall be limited to the dates which appear on its face, but in no case shall be longer than the second full calendar year ending December 31 following the date of issue.

§ 21.28 Falconry permits.

(a) *Definitions.* In addition to definitions contained in part 10 of this subchapter, and unless the context otherwise requires, in this section:

"Falconry" means the sport of taking quarry by means of trained raptors.

"Raptor" means any migratory bird of the family *Accipitridae* (excluding bald and golden eagles), *Falconidae,* and *Strigidae.*

(b) *Interim rules.* Until final regulations are promulgated providing for permits, any person may, without a Federal permit, take, possess, and transport, but not sell, barter, purchase, import or export, live raptors for falconry purposes only in accordance with laws and regulations of the State where such act occurs: *Provided,* That no person may take in any one calendar year more than three raptors, and *Provided further,* That no person may take any raptor on the endangered native wildlife list (50 CFR 17.12) nor may any State issue a permit which will allow the taking of any such endangered raptor without prior written approval from the Director.

Subpart D—Control of Depredating Birds

§ 21.41 Depredation permits.

(a) *Permit requirement.* A depredation permit is required before any person may scare, herd, or kill migratory birds for depredation control purposes.

(b) *Applicant procedures.* Applications for depredation permits shall be submitted to the appropriate Special Agent in Charge (see § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) A description of the area where depredations are occurring;

(2) The nature of the crops or other interests being injured;

(3) The extent of such injury; and

(4) The particular species of migratory birds committing the injury.

(c) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, depredation permits shall be subject to the following conditions:

(1) Permittees may not kill migratory birds unless specifically authorized on the permit.

(2) Unless otherwise specifically authorized, when permittees are authorized to kill migratory birds they may do so only with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or area described on the permit.

(3) Permittees may not use blinds, pits, or other means of concealment, decoys, duck calls, or other devices to lure or entice birds within gun range.

(4) All migratory birds killed shall be retrieved by the permittee and turned over to a Bureau representative or his designee for disposition to charitible or other worthy institutions for use as food, or otherwise disposed of as provided by law.

(5) Only persons named on the permit are authorized to act as agents of the permittee under authority of the permit.

(d) *Tenure of permits.* The tenure of depredation permits shall be limited to the dates which appear on its face, but in no case shall be longer than one year.

§ 21.42 Authority to issue depredating orders to permit the killing of migratory game birds.

Upon the receipt of evidence clearly showing that migratory game birds have accumulated in such numbers in a particular area as to cause or about to cause serious damage to agricultural, horticultural, and fish cultural interests, the Director is authorized to issue by publication in the FEDERAL REGISTER a depredation order to permit the killing of such birds under the following conditions:

(a) That such birds may only be killed by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder, and only on or over the threatened area or areas;

(b) That shooting shall be limited to such time as may be fixed by the Director on the basis of all circumstances involved. If prior to termination of the period fixed for such shooting, the Director receives information that there no longer exists a serious threat to the area or areas involved, he shall without delay cause to be published in the FEDERAL REGISTER an order of revocation;

(c) That such migratory birds as are killed under the provisions of any depredation order may be used for food or donated to public museums or public scientific and educational institutions for exhibition, scientific, or educational purposes, but shall not be sold, offered for sale, bartered, or shipped for purpose of sale or barter, or be wantonly wasted or destroyed: *Provided,* That any migratory game birds which cannot be so utilized shall be disposed of as prescribed by the Director;

(d) That any order issued pursuant to this section shall not authorize the killing of the designated species of depredating birds contrary to any State laws or regulations. The order shall specify that it is issued as an emergency measure designed to relieve depredations only and shall not be construed as opening, reopening, or extending any open hunting season contrary to any regulations promulgated pursuant to section 3 of the Migratory Bird Treaty Act.

§ 21.43 Depredation order for blackbirds, cowbirds, grackles, crows and magpies.

A Federal permit shall not be required to control yellow-headed red-winged, bicolored red-winged, tri-colored red-winged, and Brewer's blackbirds, cowbirds, all grackles, crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance: *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

(b) That any person exercising any of the privileges granted by this section shall permit at all reasonable times including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(c) That nothing in this section shall be construed to authorize the killing of such birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be required for such activities by the State concerned.

§ 21.44 Depredation order for designated species of depredating birds in California.

In any county in California in which meadowlarks, horned larks, golden-crowned, white-crowned, and other crowned sparrows, goldfinches, house finches, acorn woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the Commissioner of Agriculture may, without a permit, kill or cause to be killed under his general supervision such of the above migratory birds as may be necessary to safeguard any agricultural or horticultural crop in the county: *Provided:*

(a) That such migratory birds shall be killed only when necessary to protect agricultural or horticultural crops from depredation; that none of the above migratory birds killed, or the parts thereof, or the plumage of such birds, shall be sold or removed from the area where killed; but that all such dead migratory birds shall be buried or otherwise destroyed within this area, except that any specimens needed for scientific purposes, as determined by the State or the Director shall not be destroyed.

(b) That any Commissioner of Agriculture exercising the privileges granted by this section shall keep records of the persons authorized by the Commissioner to kill such migratory birds, and the estimated number of such birds killed pursuant to the exercise of his authority, and the Commissioner shall submit a report thereof to the Director on or before December 31 of each year or whenever the Director so requests.

§ 21.45 Depredation order for depredating purple gallinules in Louisiana.

Landowners, sharecroppers, tenants, or their employees or agents, actually engaged in the production of rice in Louisiana, may, without a permit, shoot purple gallinules (Ionornis martinica) when found committing or about to commit serious depredations to growing rice crops on the premises owned or occupied by such persons: *Provided:*

(a) That purple gallinules may only be killed pursuant to this section between May 1 and August 15 in any year.

(b) That purple gallinules killed pursuant to this section shall not be transported or sold or offered for sale except that, such transportation within the area, as may be necessary to bury or otherwise destroy the carcasses of such birds is permitted: *Provided,* That the Director or the State agricultural department, college, or other public institution may requisition such purple gallinules killed as may be needed for scientific investigations: *Provided further,* That any purple gallinules killed under authority of this section may also be donated to charitable institutions for food purposes.

(c) That any person exercising any of the privileges granted by this section shall permit at all reasonable times, including during actual operations, any Federal or State game or deputy game agent, warden, protector, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require, concerning said operations.

(d) That nothing in this section shall be construed to authorize the killing of such migratory birds contrary to any State laws or regulations; and that none of the privileges granted under this section shall be exercised unless the person possesses whatever permit as may be re-

quired for such activities by the State of Louisiana.

(e) That any person authorized by this section to exercise the privileges granted therein shall maintain records of the number of birds killed on the premises and shall submit a report thereof, on or before December 31 of each year, to the Director.

PART 22—EAGLE PERMITS

Subpart A—Introduction

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Subpart D—Depredation Control Orders on Golden Eagles

22.31 Golden eagle depredations control order on request of Governor of a State.
22.32 Conditions and limitations on taking under depredation control order.

AUTHORITY: Bald Eagle Protection Act, sec. 2, 54 Stat. 251, as amended 76 Stat. 1246 and 86 Stat. 1065, 16 U.S.C. 668a.

Subpart A—Introduction

§ 22.1 Purpose of regulations.

The regulations contained in this part govern the taking, possession, and transportation of bald and golden eagles for scientific, educational, and depredations control purposes and for the religious purposes of Indian tribes. The import, export, purchase, sale, or barter of bald or golden eagles, their parts, nests, or eggs is not permitted by any regulation of this subchapter B.

§ 22.2 Scope of regulations.

(a) Bald eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to June 8, 1940, and golden eagles, alive or dead, or their parts, nests, or eggs lawfully acquired prior to October 24, 1962, may be possessed, or transported without a Federal permit, but may not be imported, exported, purchased, sold, traded, bartered, or offered for purchase, sale, trade or barter; and all shipments containing such birds, parts, nests, or eggs must be marked as provided by 18 U.S.C. 44 and § 14.81 of this Subchapter: *Provided,* That no exemption from any statute or regulation shall accrue to any offspring of such birds.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of this subchapter B which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (see also Part 13 of this subchapter)

§ 22.3 Definitions.

In addition to definitions contained in Part 10 of this subchapter, and unless the context otherwise requires, in this Part 22:

"Take" includes also pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, or molest or disturb.

Subpart B—General Requirements

§ 22.11 General permit requirements.

No person shall take, possess, or transport any bald eagle (*Haliaeetus leucocephalus*) or any golden eagle (*Aquila chrysaetos*), or the parts, nests, or eggs of such birds except as may be permitted under the terms of a valid permit issued pursuant to the provisions of this part and Part 13 and under § 21.22 (banding or marking permits), or under a depredation order issued under Subpart D of this part.

§ 22.12 General restrictions.

No person shall sell, purchase, barter, trade, or offer for sale, purchase, barter, or trade, export or import, at any time or in any manner, any bald eagle (*Haliaeetus leucocephalus*), or any golden eagle (*Aquila chrysaetos*) or the parts, nests, or eggs of such birds, and no permit will be issued to authorize such acts.

§ 22.13 Disposition of eagles by the Bureau.

Any bald eagles or golden eagles or their parts, nest, or eggs seized for any violation under this part and forfeited to the Government, or otherwise acquired by the Bureau, may be placed on loan to public museums, public scientific or educational institutions, or public zoological parks, and suitable parts or plummage of such birds may be donated to individual Indians authorized by permit to possess such items for religious purposes.

Subpart C—Eagle Permits

§ 22.21 Permits for scientific or exhibition purposes.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing taking, possession, or transportation of bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

(a) *Application procedure.* Applications for permits to take, possess, or transport bald or golden eagles, their parts, nests or eggs for scientific or exhibition purposes shall be submitted to the appropriate Special Agent in Charge (See: § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following information:

(1) Species of eagle and number of such birds, nests, or eggs proposed to be taken, possessed, or transported;

(2) Specific locality in which taking is proposed, if any;

(3) Method taking proposed, if any;

(4) If not taken, the source of eagles and other circumstances surrounding the proposed acquisition or transportation;

(5) Name and address of the public museum, public scientific societies, or public zoological park for which they are intended;

(6) Complete explanation and justification of request, nature of project or study, number of specimens now at institution, reason these are inadequate, and other appropriate explanations.

(b) *Additional permit conditions.* In addition to the general conditions set forth in Part 13 of this Subchapter B, permits to take, possess, or transport bald or golden eagles for scientific or exhibition purposes, shall be subject to the following condition: In addition to any reporting requirement set forth in the permit, the permittee shall submit a report of activities conducted under the permit to the Special Agent in Charge within 30 days after expiration of the permit.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take, possess, or transport bald or golden eagles for scientific or exhibition purposes unless he has determined that such taking, possession, or transportation is compatible with the preservation of the bald or golden eagle. In making such determination, the Director shall consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald and golden eagles;

(2) Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application;

(3) Whether the justification of the purpose for which the permit is being requested is adequate to justify the removal of the eagle from the wild or otherwise change its status; and

(4) Whether the applicant has demonstrated that the permit is being requested for *bona fide* scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks.

(d) *Tenure of permits.* The tenure of permits to take bald or golden eagles for scientific or exhibition purposes shall be that shown on the face of the permit.

§ 22.22 Permits for Indian religious purposes.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking, possession, and transportation of bald or golden eagles, or their parts, nests, or eggs for the religious use of Indians.

(a) *Application procedure.* Applications for permits to take, possess, and transport bald or golden eagles, their parts, nests, or eggs for the religious use of Indians shall be submitted to the appropriate Special Agent in Charge (See: § 13.11(b) of this subchapter). Only applications from individual Indians will be accepted. Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Species and number of eagles or feathers proposed to be taken, or acquired by gift or inheritance.

(2) State and local area where the taking is proposed to be done, or from whom acquired.

(3) Name of tribe with which applicant is associated.

(4) Name of tribal religious ceremony(ies) for which required.

(5) Applicant must attach a certification from the Bureau of Indian Affairs that the applicant is an Indian.

(6) Applicant must attach a certification from a duly authorized official of the religious group that the applicant is authorized to participate in such ceremonies.

(b) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B, permits to take, possess, and transport bald or golden eagles, their parts, nests or eggs, for the religious use of Indians shall be subject to the following conditions:

(1) Bald or golden eagles or their parts possessed under permits issued pursuant to this section are not transferable, except such birds or their parts may be handed down from generation to generation or from one Indian to another in accordance with tribal or religious customs; and

(2) Permittees shall make such reports or submit inventories of eagle feathers or parts on hand as may be requested by the Special Agent in Charge.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take, possess, and transport bald or golden eagles, their parts, nests or eggs, for the religious use of Indians unless he has determined that such taking, possession, and transportation is compatible with the preservation of the bald or golden eagle. In making such determination, the Director shall consider, among other criteria, the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild populations of bald or golden eagles; and

(2) Whether the applicant is an Indian who is authorized to participate in *bona fide* tribal religious ceremonies.

(d) *Tenure of permits.* Any permit issued pursuant to this section under which the applicant is authorized to take eagles shall be valid during the period specified on the face thereof which shall in no case be longer than 1 year from date of issue. Any permit issued pursuant to this part which authorizes the permittee to transport and possess eagles or their parts shall be valid for the life of the permittee unless sooner revoked.

§ 22.23 Permits to take depredating eagles.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the taking of depredating bald or golden eagles.

(a) *Application procedure.* Applications for permits to take depredating bald or golden eagles shall be submitted to the appropriate Special Agent in Charge (Sec: § 13.11(b) of this subchapter). Each such application must contain the general information and certification required by § 13.12(a) of this subchapter plus the following additional information:

(1) Species and number of eagles proposed to be taken;

(2) Location and description of property where taking is proposed;

(3) Inclusive dates for which permit is requested;

(4) Method of taking proposed;

(5) Kind and number of livestock or domestic animals owned by applicant;

(6) Kind and amount of alleged damage; and

(7) Name, address, age, and business relationship with applicant of any person the applicant proposes to act for him as his agent in the taking of such eagles.

(b) *Additional permit conditions.* In addition to the general conditions set forth in part 13 of this subchapter B. permits to take depredating bald or golden eagles shall be subject to the following conditions:

(1) Bald or golden eagles may be taken under permit by firearms, traps, or other suitable means except by poison or from aircraft;

(2) The taking of eagles under permit may be done only by the permittee or his agents named in the permit;

(3) Any eagle taken under authority of such permit will be promptly turned over to a Bureau agent or other game law enforcement officer designated in the permit; and

(4) In addition to any reporting requirement set forth in the permit, the permittee shall submit a report of activities conducted under the permit to the Special Agent in Charge within 10 days following completion of the taking operations or the expiration of the permit whichever occurs first.

(c) *Issuance criteria.* The Director shall conduct an investigation and not issue a permit to take depredating bald or golden eagles unless he has determined that such taking is compatible with the preservation of the bald or golden eagle. In making such determination the Director shall consider the following:

(1) The direct or indirect effect which issuing such permit would be likely to have upon the wild population of bald or golden eagles;

(2) Whether there is evidence to show that bald or golden eagles have in fact become seriously injurious to wildlife or to agriculture or other interests in the particular locality to be covered by the permit, and the injury complained of is substantial; and

(3) Whether the only way to abate the damage caused by the bald or golden eagle is to take some or all of the offending birds.

(c) *Tenure of permits.* The tenure of any permit to take bald or golden eagles for depredation control purposes shall be that shown on the face thereof, and shall in no case be longer than 90 days from date of issue.

§ 22.24 Permits for falconry purposes. [Reserved]

Subpart D—Depredation Control Orders on Golden Eagles

§ 22.31 Golden eagle depredations control order on request of Governor of a State.

(a) Whenever the Governor of any State requests permission to take golden eagles to seasonally protect domesticated flocks and herds in such State, the Director shall make an investigation and if he determines that such taking is necessary to and will seasonally protect domesticated flocks and herds in such States he shall authorize such taking in whatever part or parts of the State and for such periods as he determines necessary to protect such interests.

(b) Requests from the Governor of a State to take golden eagles to seasonally protect domesticated flocks and herds must be submitted in writing to the Director listing the periods of time during which the taking of such birds is recommended, and including a map of the State indicating the boundaries of the proposed area of taking. Such requests should include a statement of the facts and the source of such facts that in the Governor's opinion justifies the request. After a decision by the Director, the Governor will be advised in writing concerning the request and a notice will be published in the FEDERAL REGISTER.

§ 22.32 Conditions and limitations on taking under depredation control order.

(a) Whenever the taking of golden eagles without a permit is authorized for the seasonal protection of livestock, such birds may be taken by firearms, traps, or other suitable means except by poison or from aircraft.

(b) Any person exercising any of the privileges granted by this Subpart D must permit all reasonable times, including during actual operations, any Bureau agent, or other game law enforcement officer free and unrestricted access over the premises on which such operations have been or are being conducted; and shall furnish promptly to such officer whatever information he may require concerning such operations.

(c) The authority to take golden eagles under a depredations control order issued pursuant to this Subpart D only authorizes the taking of golden eagles when necessary to seasonally protect domesticated flocks and herds, and all such birds taken must be reported and turned over to a local Bureau Agent.

The changes in these regulations made by the original notice of proposed rulemaking (38 FR 10208), and the changes adopted in this rulemaking are virtually all editorial or structural changes. The only substantive changes involve a relaxation and clarification of certain pro-

cedures and statements of Agency policy in making determinations on permit applications. Considering the extremely long period during which the public has had actual notice of these changes, and considering the importance of making these rules effective as soon as possible for public convenience, it has been determined that there is good cause to make this rulemaking effective upon publication pursuant to 5 U.S.C. 553.

Effective date: These regulations become effective on January 4, 1974.

CURTIS BOHLEN,
Acting Assistant Secretary for Fish and Wildlife and Parks.

DECEMBER 27, 1973.

[FR Doc.74-255 Filed 1-3-74;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

Office of the Secretary

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications and Supersedeas Decisions; Proposed Variation of Certain Wage Rates and Index

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications And Supersedeas Decisions To General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 USC 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

Modifications To General Wage Determination Decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Kentucky:	
AQ–4036	Nov. 23, 1973.
Louisiana:	
AQ–42	Nov. 2, 1973.
Massachusetts:	
AQ–3026; AQ–3027	Oct. 19, 1973.
AQ–3031	Nov. 2, 1973.
AQ–3038; AQ–3039; AQ–3040; AQ–3041; AQ–3042; AQ–3043; AQ–3044; AQ–3045.	Nov. 23, 1973.
Pennsylvania:	
AP–834	May 25, 1973.

Supersedeas Decisions To General Wage Determination Decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Massachusetts:	
AQ–3007(AQ–3073)	Aug. 31, 1973.
AQ–3008(AQ–3072)	Sept. 7, 1973.

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

RAY J. DOLAN,
Assistant Administrator,
Wage & Hour Division.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4036 - Mod. #2						
(38 FR 32349 - November 23, 1973)						
Boone, Campbell, Kenton, & Pendleton Counties, Kentucky.						
Omit:						
Heavy and Highway Construction						
Electricians	$9.25	.60	1%+.30		½ of 1%	
Add:						
Heavy and Highway Construction						
Electricians:						
Electricians - Linemen	9.25	.60	1%+.30		½ of 1%	
Groundmen	6.94	.60	1%+.30		½ of 1%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-42 - Mod. #2						
(38 FR 30342 - November 2, 1973)						
Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes, Louisiana						
Change:						
Asbestos workers:						
Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes	$6.95	.35	.80			
Carpenters:						
Carpenters:						
Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes	6.60	.20	.20		.04	
Piledrivermen:						
Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes	6.60	.20	.20		.04	

DECISION #AQ-42 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes:						
Building laborer; rotary drill laborers; foundation drill crewman	$4.05	.15			.05	
Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe; clay pipe, plastic pipe, asbestos cement pipe, casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot, and pipe layers), gas and oil pipeline laborers, wrappers and dopers	4.25	.15			.05	
Painters:						
Allen (northeast corner), Evangeline & St. Landry (north half) Parishes:						
Painters, paperhangers, tapers, floaters	5.45					
Commercial steel, such as churches or any commercial building with closed roof deck or walls	5.45					
Other commercial work, brush spray, stage, window jacks, flagpoles and steeple work	5.80					
All industrial work including sandblasting or power tools of any kind	6.30					
Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) and Vermilion Parishes:						
Brush, wood or wall	5.55					
Industrial & steel	5.92					
Textine, paperhanging, wall covering, spray	5.80					
Plasterers:						
Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes	5.90				.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3.044 - Mod. #2 (38 FR 32380 - November 23, 1973) Norfolk County, Massachusetts						
Change:						
Bricklayers; Cement masons; Plasterers:						
Medfield, Medway, & Millis	$8.70	.60	.65		.04	
Painters:						
Remainder of County:						
Brush; Taper	7.56	.62	.50		.04	
Steel	7.56+a	.62	.50		.04	
Spray	8.56	.62	.50		.04	
DECISION #AQ-3,026 - Mod. #4 (38 FR 29125 - October 19, 1973) Plymouth County, Massachusetts						
Change:						
Leadburners	8.75	.30		d	.01	
Painters:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:						
Brush; Taper (New construction)	8.21	.62	.50		.04	
Steel (New construction)	8.21+f	.62	.50		.04	
Spray (New construction)	9.21	.62	.50		.04	
Brush; Taper (Repaint & alterations)	7.56	.62	.50		.04	
Steel (Repaint & alterations)	7.56+f	.62	.50		.04	
Spray (Repaint & alterations)	8.56	.62	.50		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,027 - Mod. #5 (38 FR 29129 - October 19, 1973) Plymouth County, Massachusetts						
Change:						
Painters:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:						
Brush; Taper	7.56	.62	.50		.04	
Steel	7.56+b	.62	.50		.04	
Spray	8.56	.62	.50		.04	
DECISION #AQ-3,045 - Mod. #2 (38 FR 32383 - November 23, 1973) Suffolk County, Massachusetts						
Change:						
Leadburners	8.75	.30		c	.01	
Omit:						
Painters:						
Brush	7.61	.32	.30		.04	
Structural steel	7.61+e	.32	.30		.04	
Spray	8.61	.32	.30		.04	
Add:						
Painters:						
New Construction:						
Brush; Tapers	8.21	.62	.50		.04	
Structural steel	8.21+e	.62	.50		.04	
Spray	9.21	.62	.50		.04	
Repaint; Alterations:						
Brush	7.56	.62	.50		.04	
Structural steel	7.56+e	.62	.50		.04	
Spray	8.56	.62	.50		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,038 - Mod. #2 (38 FR 32352 - November 23, 1973) Barnstable County, Massachusetts						
Change:						
Leadburners	$8.75	.30		d	.01	
DECISION #AQ-3,039 - Mod. #2 (38 FR 32356 - November 23, 1973) Bristol County, Massachusetts						
Change:						
Leadburners	8.75	.30		d	.01	
Painters:						
Remainder of County:						
Brush; Taper	7.13	.62	.20		.04	
Steel	9.135	.62	.20		.04	
Spray	8.13	.62	.20		.04	
Omit:						
Piledrivermen	9.15	.50	.30			
Footnote:						
f. Employer contributes $5.00 per day above brush rate.						
Add:						
Piledrivermen:						
Fall River, Freetown, Seekonk, Somerset, Swansea, & Westport	8.65	.50	.30			
Acushnet, Dartmouth, Fairhaven, New Bedford, & South Dartmouth	8.10	.45	.50		.02	
Remainder of County	9.15	.50	.30			
Plasterers' tenders:						
Easton, North Attleboro, North Easton, & South Easton	7.05	.40	.40		.05	
DECISION #AQ-3,040 - Mod. #2 (38 FR 32361 - November 23, 1973) Essex County, Massachusetts						
Change:						
Bricklayers; Stonemasons:						
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91	.39	.65		.04	
Leadburners	8.75	.30		c	.01	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,040 Cont'd						
Omit:						
Painters:						
Andover, Boxford, Lawrence, Methuen, & North Andover						
Brush	$4.10	.15				
Structural steel	4.60	.15				
Spray	5.10	.15				
Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury						
Brush (Under $3,500.00)	3.00					
Brush (Over $3,500.00)	3.75					
Steel	4.05					
Remainder of County						
Brush	6.55	.20	.15			
Steel	6.80	.20	.15			
Spray	6.925	.20	.15			
Add:						
Painters:						
Amesbury, Andover, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, N. Andover, Peabody, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, West Newbury						
New Construction:						
Brush; Tapers	8.08	.62	.50		.04	
Sandblasters; Spray	9.08	.62	.50		.04	
Steel	8.08+f	.62	.50		.04	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,031 - Mod. #2 (38 FR 30357 - November 2, 1973) Hampden County, Massachusetts						
Change:						
Leadburners	$8.75	.30		d	.01	
DECISION #AQ-3,041 - Mod. #2 (38 FR 32366 - November 23, 1973) Middlesex County, Massachusetts						
Change:						
Bricklayers; Stonemasons:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04	
Leadburners	8.75	.30		c	.01	
Omit:						
Cement masons:						
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	9.15	.50	.30		.05	
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Painters:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; Taper	7.71	.62	.40		.04	
Steel	7.71+e	.62	.40		.04	
Spray $1.00 per hour premium						
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush; Taping	8.27	.33	.20			
Spray	8.02	.33	.20			
Paperhangers	7.12	.33	.20			
Steel	7.07	.33	.20			
N. Reading, Reading						
Brush	4.10	.15				
Steel	4.60	.15				
Spray	5.10	.15				

MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,041 Cont'd						
Plasterers:						
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow, & Tewksbury	$8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Add:						
Cement masons:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04	
Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	9.15	.50	.30		.05	
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Peppercll, Shirley, S. Acton, Tewksbury, Townsend, & W. Acton	8.75	.60	.60		.04	
Painters:						
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, N. Reading, Reading, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
New Construction:						
Brush; Taper	8.21	.62	.50		.04	
Sandblasting; Spray	9.21	.62	.50		.04	
Steel	8.21+e	.62	.50		.04	
Repaint; Alteration:						
Brush	7.56	.62	.50		.04	
Sandblasting; Spray	8.56	.62	.50		.04	
Steel	7.56+e	.62	.50		.04	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,041 Cont'd						
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush; Taping	$8.00	.33	.20			
Spray	8.75	.33	.20			
Paperhangers	8.00	.33	.20			
Steel	8.80	.33	.20			
Plasterers:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04	
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, & W. Acton	8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.95	.50	.50		.04	
Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
DECISION #AQ-3,042 - Mod. #2 (38 FR 32372 - November 23, 1973) Middlesex County, Massachusetts						
Change:						
Bricklayers; Stonemasons:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04	
Omit:						
Painters:						
Arlington, Belmont, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush; Tapers	7.21	.62	.40		.04	
Sandblasting; Spray	8.21	.62	.40		.04	
Steel	7.21+a	.62	.40		.04	

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,042 Cont'd						
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush	7.27	.33	.20			
Spray	8.02	.33	.20			
Reading						
Brush	4.10	.15				
Spray	5.10	.15				
Steel	4.60	.15				
Plasterers:						
Ashland, Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick Sherborn, Stow, & Tewksbury	8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.45	.50	.50		.04	
Acton, Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
Add:						
Painters:						
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, N. Reading, Reading, Somerville, Stoneham, Wakefield, Winchester, & Woburn						
Brush	7.56	.62	.50		.04	
Sandblasting; Spray	8.56	.62	.50		.04	
Steel	7.56+a	.62	.50		.04	
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington						
Brush	8.00	.33	.20			
Spray	8.75	.33	.20			
Plasterers:						
Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04	

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3,042 Cont'd						
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, & W. Acton	$8.75	.60	.60		.04	
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.95	.50	.50		.04	
Bedford, Burlington, Lowell, Tyngsboro, & Westford	8.60	.55				
DECISION #AQ-3,043 - Mod. #2 (38 FR 32376 - November 23, 1973)						
Norfolk County, Massachusetts						
Change:						
Bricklayers; Cement masons; Plasterers; & Stonemasons:						
Medfield, Medway, & Millis	8.70	.60	.65		.04	
Leadburners	8.75	.30		c	.01	
Omit:						
Painters:						
Remainder of County:						
Brush	7.86	.62	.40		.04	
Steel	7.86+e	.62	.40		.04	
Spray	8.86	.62	.40		.04	
Add:						
Painters:						
Remainder of County:						
New Construction:						
Brush; Tapers	8.21	.62	.50		.04	
Steel	8.21+e	.62	.50		.04	
Spray	9.21	.62	.50		.04	
Repaint; Alteration:						
Brush	7.56	.62	.50		.04	
Steel	7.56+e	.62	.50		.04	
Spray	8.56	.62	.50		.04	

Decision No. AP-834 - Mod. # 4
(38 FR 14060 - May 25, 1973)
Erie County, Pennsylvania

Change:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Heavy & Highway Construction:						
Carpenters	$7.37	6%	6%			
Carpenters-welders	7.61	.455	.455			

STATE: Massachusetts COUNTY: Suffolk
DECISION NO.: AQ-3,072 DATE: Date of Publication
Supersedes Decision No. AQ-3008, dated September 7, 1973 in 38 FR 24480.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

13-R-MASS-b (1-1)

RESIDENTIAL	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.955	.55	.50		.01	
BRICKLAYERS	8.65	.60	.70		.04	
CARPENTERS; Soft floor layers	8.85	.50	.50		.03	
CEMENT MASONS	9.15	.50	.30		.05	
ELECTRICIANS	5.25	.35	1%+.95		.05	
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	8.39	.50	1.40		.06	
LABORERS:						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
LATHERS	7.15	.45	.55		.01	
PAINTERS:						
Brush	7.56	.62	.50		.04	
Steel	7.56+a	.62	.50		.04	
Spray	8.56	.62	.50		.04	
PLASTERERS	8.10	.45	1.15		.02	
PLASTERERS' TENDERS	7.05	.40	.40		.05	
PLUMBERS	9.85	.50	.60		.03	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
STEAMFITTERS	9.76	.51	.65		.05	
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	6.50	.20	.10			

FOOTNOTE:
a. Employer pays $5.00 per day extra above the brush rate.

..TRUCK DRIVERS

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

(1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

(2-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Worcester
DECISION NO.: AQ-3,073
DATE: Date of Publication
Supersedes Decision No. AQ-3,007, dated August 31, 1973, in 38 FR 23710.
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY, & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-a (1-3)

TOWNSHIPS OF: Fitchburg, Grafton, Harvard, Holden, Lancaster, Leicester, Leominster, Millbury, N. Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement finishers; Plasterers; Stonemasons: Fitchburg, Harvard, Lancaster, & Leominster	8.75	.60	.60		.04	
BRICKLAYERS; Cement masons; Marble setters; Plasterers; Stonemasons; Terrazzo workers; & Tile setters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.50	.50	.45		.02	
CARPENTERS; Soft floor layers: Fitchburg, Harvard, & Leominster	8.85	.50	.50		.03	
Grafton, Holden, Lancaster, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Whitinsville, Worcester	8.95	.40	.50		.03	
Westboro	7.95	.50	.30		.07	
ELECTRICIANS: Fitchburg, Harvard, Lancaster, & Leominster	8.80	.45	1%+.25		.02	
Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS: Ornamental; Reinforcing; Structural	8.39	.50	1.40		.06	
LABORERS (BUILDING): Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	

14-MASS-1-2-3-a (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING) CONT'D:						
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	$6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		c	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	d		
Equipment operator	7.17	.25	1%	d		
Driver groundman	5.41	.25	1%	d		
Groundman	5.16	.25	1%	d		
MARBLE SETTERS; Terrazzo workers: Fitchburg, Harvard, Lancaster, & Leominster	8.25	.60	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	9.13	.50	.50		.03	
PAINTERS:						
Westboro:						
Brush	7.00	.35	.25			
Steel	7.25	.35	.25			
Sandblasters; Spray	7.95	.35	.25			
Remaining portion:						
Brush	7.83	.50	.25		.02	
Structural steel	8.455	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
PILEDRIVERMEN	9.15	.50	.30			
PIPEFITTERS	9.725	.35	.25		.05	
PLASTERERS' TENDERS: Grafton, Holden, Leicester, Millbury, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS; Steamfitters: Grafton, Holden, Leicester, Millbury, North Grafton, Shrewsbury, Southbridge, Westboro, Whitinsville, & Worcester	8.725	.55	.30			
Fitchburg, Harvard, Lancaster, & Leominster	8.75	.30	.40	4%	.02	
ROOFERS; Damp-proofers	8.50					
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Fitchburg, Harvard, Lancaster, & Leominster	8.25	.60	.50			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
b. 6 paid holidays: A through F
c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

TRUCK DRIVERS:
HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

TRUCK DRIVERS-BUILDING CONSTRUCTION

MASS-1-TD-1 -A .1 of 1

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Two axle equipment	$3.97	.24	.35	a+b	
Three axle equipment	4.02	.24	.35	a+b	
Four and five axle equipment	4.12	.24	.35	a+b	
Low bed trailer	4.22	.24	.35	a+b	
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b	
Helpers on low beds	3.97	.24	.35	a+b	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-THanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.

b. Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day after 30 days employment, provided an employee works two days of the calendar week in which the holiday falls.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

MASS-1-PEO-1-2-3-c (1-2)

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour. Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day						
FOOTNOTE: a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.						
HEAVY & HIGHWAY CONSTRUCTION						
LABORERS:						
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.30	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.55	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	6.80	.40	.40		.05	
Blasters; Powdermen	7.05	.40	.40		.05	

[FR Doc.74-315 Filed 1-3-74;8:45 am]

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS

DECEMBER 7, 1973.

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

Abbreviations:

(B)—Building Construction.
(D)—Dredging Construction.
(F)—Flood Control Construction.
(H)—Heavy Construction.
(Hw)—Highway Construction.
(R)—Residential Construction.
Mod.—Modification.

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

RAY J. DOLAN,
Assistant Administrator
Wage & Hour Division.

ALABAMA

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
AUTAUGA COUNTY
Decision #AQ-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
BALDWIN COUNTY
Decision #AM-554 (F)
36 FR 16363 - 8/20/71
Decision #AQ-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BIBB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Autauga County
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Autauga County
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CALHOUN COUNTY
Decision #AQ-4037 (Hw)
38 FR 33214 - 11/30/73
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

CLARKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLAY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COLBERT COUNTY
Decision #AQ-4038 (Hw)
38 FR 33215 - 11/30/73
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Autauga County
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Autauga County
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
GREENE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HALE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HENRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
JEFFERSON COUNTY
Decision AQ-4034 (B,Hw)
38 FR 32334 - 11-23
Mod. #1 - 38 FR 33877 - 12/7/73
(D) - See Statewide
(R) - See Blount County
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LAUDERDALE COUNTY
(D) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LEE COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (cont'd)

LIMESTONE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MACON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MADISON COUNTY
(D) - See Statewide
(Hw) - See Colbert County
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARION COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MOBILE COUNTY
Decision #AQ-4027 (B,Hw)
38 FR 29155 - 10/19/73
Mod. #1 - 38 FR 33204 - 11/30/73
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. # 1 - 38 FR 13103 - 5/18/73
(D) - See Statewide
(Hw) - See Baldwin County
MORGAN COUNTY
(D) - See Statewide
(Hw) - See Colbert County
PERRY COUNTY
(D) - See Statewide
(Hw) - See Autauga County
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Autauga County
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Autauga County
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
(R) - See Blount County
SHELBY COUNTY
(Hw) - See Calhoun County
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Autauga County
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Autauga County
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WALKER COUNTY
(D) - See Statewide
(Hw) - See Calhoun County
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Autauga County
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Autauga County

ALASKA

STATEWIDE
Decision #AP-902 (B, Hw, H, D)
38 FR 13127 - 5/18/73
Mod. #1 - 38 FR 24487 - 9/7/73
Mod. #2 - 38 FR 27704 - 10/5/73
Decision #AP-903 (R)
38 FR 13133 - 5/18/73
Mod. #1 - 38 FR 24487 - 9/7/73
Mod. #2 - 38 FR 27704 - 10/5/73

ARIZONA

STATEWIDE
Decision #AQ-1004 (H,Hw)
38 FR 20187 - 7/27/73
Mod. #1 - 38 FR 24488 - 9/7/73
Mod. #2 - 38 FR 27148 - 9/28/73
Mod. #3 - 38 FR 27704 - 10/5/73
Mod. #4 - 38 FR 28454 - 10/12/73
Mod. #5 - 38 FR 29730 - 10/26/73
APACHE COUNTY
(H,Hw) - See Statewide
COCHISE COUNTY
(H,Hw) - See Statewide
Decision #AQ-1026 (B)
38 FR 25856 - 9/14/73
Mod. #1 - 38 FR 27155 - 9/28/73
Mod. #2 - 38 FR 27705 - 10/5/73
Mod. #3 - 38 FR 28464 - 10/12/73
Mod. #4 - 38 FR 29730 - 10/26/73
COCONINO COUNTY
Decision #AQ-1027 (B)
38 FR 25864 - 9/14/73
Mod. #1 - 38 FR 27158 - 9/28/73
Mod. #2 - 38 FR 27705 - 10/5/73
Mod. #3 - 38 FR 28466 - 10/12/73
Mod. #4 - 38 FR 29731 - 10/26/73
(H,Hw) - See Statewide
GILA COUNTY
(H,Hw) - See Statewide
GRAHAM COUNTY
(B) - See Cochise County
(H,Hw) - See Statewide
GREENLEE COUNTY
Decision #AQ-1050 (B)
38 FR 29743 - 10/26/73
MARICOPA COUNTY
(H,Hw) - See Statewide
(B) - See Greenlee County
Decision #AQ-1005 (R)
38 FR 19617 (R)
Mod. #1 - 38 FR 21005 - 8/3/73
Mod. #2 - 38 FR 24488 - 9/7/73
Mod. #3 - 38 FR 27148 - 9/28/73
Mod. #4 - 38 FR 27704 - 10/5/73
Mod. #5 - 38 FR 28458 - 10/12/73
MOHAVE COUNTY
(H,Hw) - See Statewide
(B) - See Greenlee County
NAVAJO COUNTY
(H,Hw) - See Statewide
PIMA COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County
Decision #AQ-1025 (R)
38 FR 24493 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
Mod. #2 - 38 FR 27153 - 9/28/73

ARIZONA (Cont'd)

PIMA COUNTY (CONT'D)
Decision #AQ-1025 (R)
38 FR 24493 - 9/7/73
Mod. #3 - 38 FR 27705 - 10/5/73
Mod. #4 - 38 FR 28462 - 10/12/73
Mod. #5 - 38 FR 29730 - 10/26/73
PINAL COUNTY
(B) - See Cochise County
(H,Hw) - See Statewide
SANTA CRUZ COUNTY
(H,Hw) - See Statewide
(B) - See Cochise County
YAVAPAI COUNTY
(H,Hw) - See Statewide
YUMA COUNTY
(H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AP-701 (Hw)
38 FR 4087 - 2/9/73
Mod. #1 - 38 FR 23648 - 8/31/73
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
ARKANSAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ASHLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BOONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BRADLEY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CARROLL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CHICOT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

CLARK COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County
CLAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CLEBURNE COUNTY
(Hw) - See Statewide
(D)- See Statewide
(F) - See Arkansas County
CLEVELAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
COLUMBIA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CONWAY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAIGHEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRAWFORD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
CRITTENDEN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GROSS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DALLAS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
DESHA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

DREW COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FAULKNER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FRANKLIN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
FULTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GARLAND COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GRANT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
GREENE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HEMPSTEAD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F(- See Arkansas County
HOT SPRING COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LONOKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIEIE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(Hw) - See Statewide
(D) - See Statewide
Decision #AQ-7 (B)
38 FR 19631 - 7/20/73
Mod. #1 - 38 FR 29132 - 10/19/73
Mod. #2 - 38 FR 31094 - 11/9/73
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH GOUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

SHARP COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
STONE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-2 (B)
38 FR 18831 - 7/13/73
Mod. #1 - 38 FR 23648 - 8/31/73
Mod. #2 - 38 FR 29132 - 10/19/73
Mod. #3 - 38 FR 31753 - 11/16/73
VAN BUREN COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision AQ-1058 (B,H,Hw,D)
38 FR 33216 - 11/30/73
Decision AQ-1059 (R)
38 FR 33230 - 11/30/73
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
AMADOR COUNTY
(B,H,Hw,H) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALVARAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ELDORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1007 (B,H,Hw,D)
38 FR 21038 - 8/3/73
Mod. #1 - 38 FR 23648 - 8/31/73
Mod. #2 - 38 FR 25853 - 9/14/73
Mod. #3 - 38 FR 29137 - 10/19/73
Mod. #4 - 38 FR 31094 - 11/9/73
Mod. #5 - 38 FR 32333 - 11/23/73
Mod. #6 - 38 FR 33205 - 11/30/73
Decision #AQ-1008 (R)
38 FR 21047 - 8/3/73
Mod. #1 - 38 FR 23649 - 8/31/73
Mod. #2 - 38 FR 25853 - 9/14/73
Mod. #3 - 38 FR 29137 - 10/19/73
Mod. #4 - 38 FR 31094 - 11/9/73
Mod. #5 - 38 FR 32333 - 11/23/73
Mod. #6 - 38 FR 33205 - 11/30/73
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

CALIFORNIA (Cont'd)

MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1002 - (B,H,Hw,D)
38 FR 18832 - 7/13/73
Mod. #1 - 38 FR 21006 - 8/3/73
Mod. #2 - 38 FR 27705 - 10/5/73
Mod. #3 - 38 FR 29132 - 10/19/73

CALIFORNIA (Cont'd)

SAN DIEGO COUNTY (Cont'd)
Decision #AQ-1003 (R)
38 FR 18839 - 7/13/73
Mod. #1 - 38 FR 21008 - 8/3/73
Mod. #2 - 38 FR 27705 - 10/5/73
Mod. #3 - 38 FR 29135 - 10/19/73
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County

CALIFORNIA (Cont'd)

TULARE COUNTY
(B,H,Hw,D) - See Alamada County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See ALAMEDA County

COLORADO

STATEWIDE
Decision #AQ-1013 (Hw)
38 FR 22328 - 8/17/73
ADAMS COUNTY
(Hw) - See Statewide
Decision #AQ-1061 (B,H,Hw)
38 FR 33242 - 11/30/73
Decision #AM-6,723 (R)
37 FR 7921 - 4-21-72
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPHOE COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AQ-1012 (B,H,Hw)
38 FR 22322 - 8/17/73
Mod. #1 - 38 FR 31097 - 11/9/73
Mod. #2 - 38 FR 32333 - 11/23/73
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AQ-1062 (B,H,Hw)
38 FR 33881 - 12/7/73
(Hw) - See Statewide
GILPIN COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(Hw) - See Statewide
GUNNISON COUNTY
(B,H,Hw) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HEURFANO COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JACKSON COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAPLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H,Hw) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H,Hw) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

PARK COUNTY
(hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H,Hw) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
Decision #AQ-1063 (B,H,Hw)
38 FR 33888 - 12/7/73
RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(Hw) - See Statewide
(B,H,Hw) - See Adams County
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AQ-3014 (B,H,Hw)
38 FR 28475 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3035 (R)
38 FR 31088 - 11/9/73
HARTFORD COUNTY
Decision #AQ-3015 (B,H,Hw)
38 FR 28480 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
Decision #AQ-3009 (R)
38 FR 24479 - 9/7/73
(D) - See Fairfield County
LITCHFIELD COUNTY
Decision #AQ-3016 (B,H,Hw)
38 FR 28485 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
MIDDLESEX COUNTY
Decision #AQ-3017 (B,H,Hw)
38 FR 28490 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AQ-3018 (B,H,Hw)
38 FR 28494 - 10/12/73
Mod. #1 - 38 FR 32334 - 11/23/73
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AQ-3019 - (B,H,Hw)
38 FR 28499 - 10/12/73
Mod. #1 - 38 FR 32335 - 11/23/73
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AQ-3020 (B,H,Hw)
38 FR 28503 - 10/12/73
Mod. #1 - 38 FR 32355 - 11/23/73
WINDHAM COUNTY
Decision #AQ-3021 - (B,H,Hw)
38 FR 28507 - 10/12/73
Mod. #1 - 38 FR 32335 - 11/23/73

DELAWARE

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-2029 (B,H,Hw)
38 FR 31774 - 11/16/73
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AQ-4007 (B)
38 FR 24499 - 9/7/73
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AP-196 (B)
38 FR 15229 - 6/8/73
Mod. #1 - 38 FR 27163 - 9/28/73
Mod. #2 - 38 FR 27707 - 10/5/73
Mod. #3 - 38 FR 31753 - 11/16/73
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AQ-4035 (B)
38 FR 32347 - 11/23/73
Mod. #1 - 38 FR 33878 - 12/7/73
Decision #AM-8590 (D)
37 FR 5655 - 3/17/72
Mod. #1-37 FR 24506 - 11/17/72
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County
DADE COUNTY
Decision #AP-198 (B)
38 FR 15233 - 6/8/73
Mod. #1 - 38 FR 18810 - 7/13/73
Mod. #2 - 38 FR 23650 - 8/31/73
Mod. #3 - 38 FR 27707 - 10/5/73
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AQ-4008 (B)
38 FR 24501 - 9/7/73
Mod. #1 - 38 FR 27707 - 10/5/73
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AP-1100 (B)
38 FR 15237 - 6/8/73
Mod. #1 - 38 FR 16579 - 6/22/73
Mod. #2 - 38 FR 18114 - 7/6/73
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D)-See Brevard County
(Hw)-See Citrus County
HIGHHLANDS COUNTY
(Hw) - See De Soto County
HILLSBOROUGH COUNTY
Decision #AP-1101 (B)
38 FR 15239 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 23650 - 8/31/73
Mod. #3 - 38 FR 27707 - 10/5/73
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(Hw) - See DeSoto County

FLORIDA (cont'd)

HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard County
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AP-181 (R)
38 FR 11261 - 5/4/73
(Hw) - See Brevard County
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AQ-4009 (B)
38 FR 24503 - 9/7/73
Mod. #1 - 38 FR 27707 - 10/5/73
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
(D) - See Brevard County
(Hw) - See Broward County
MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/73
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4010 (B)
38 FR 24505 - 9/7/73
Mod. #1 - 38 FR 27707 - 10/5/73

FLORIDA (cont'd)

ORANGE COUNTY CONT'D.
(Hw) - See Brevard County
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard County
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
PINELLAS COUNTY
Decision #AP-1104 (B)
38 FR 15245 - 6/8/73
Mod. #1 - 38 FR 23651 - 8/31/73
Mod. #2 - 38 FR 27707 - 10/5/73
Decision #AP-182 (R)
38 FR 11261 - 5/4/73
(D) - See Brevard County
(Hw) - See Hillsborough County
POLK COUNTY
(Hw) - See DeSoto County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County;
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County
SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard County
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only)
(B) - See Brevard County
(D) - See Brevard County
(Hw) - See Brevard County

FLORIDA (Cont'd)

WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

APPLING COUNTY
Decision #AM-473 (Hw)
36 FR 16421 - 8/20/71
ATKINSON COUNTY
(Hw) - See Appling County
BACON COUNTY
(Hw) - See Appling County
BAKER COUNTY
(Hw) - See Appling County
BALDWIN COUNTY
Decision #AM-472 (Hw)
36 FR 16420 - 8/20/71
BANKS COUNTY
Decision #AM-471 (Hw)
36 FR 16419 - 8/20/71
BARROW COUNTY
(Hw) - See Banks County
BARTOW COUNTY
(Hw) - See Banks County
BEN HILL COUNTY
(Hw) - See Appling County
BERRIEN COUNTY
(Hw) - See Appling County
BIBB COUNTY
(Hw) - See Baldwin County
BLECKLEY COUNTY
(Hw) - See Appling County
BRANTLEY COUNTY
(Hw) - See Appling County
BROOKS COUNTY
(Hw) - See Appling County
BRYAN COUNTY
Decision #AM-475 (Hw)
36 FR 16424 - 8/20/71
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
BULLOCH COUNTY
(Hw) - See Appling County
BURKE COUNTY
(Hw) - See Baldwin County
BUTTS COUNTY
(Hw) - See Baldwin County
CALHOUN COUNTY
(Hw) - See Appling County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
CANDLER COUNTY
(Hw) - See Appling County
CARROLL COUNTY
(Hw) - See Baldwin County
CATOOSA COUNTY
(Hw) - See Banks County
CHARLTON COUNTY
(Hw) - See Appling County
CHATHAM COUNTY
Decision #AQ-4001 (B,H,Hw)

GEORGIA (Cont'd)

CHATHAM COUNTY CONT'D.
38 FR 19634 - 7/20/73
Mod. #1 - 38 FR 22303 - 8/17/73
Mod. #2 - 38 FR 27163 - 9/28/73
Mod. #3 - 38 FR 28470 - 10/12/73
Decision #AP-151 (R)
38 FR 4088 - 2/9/73
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
(Hw) - See Baldwin County
CHATTOOGA COUNTY
(Hw) - See Banks County
CHEROKEE COUNTY
(Hw) - See Banks County
CLARKE COUNTY
(Hw) - See Baldwin County
CLAY COUNTY
(Hw) - See Appling County
CLAYTON COUNTY
Decision #AM-474 (Hw)
36 FR 16423 - 8/20/71
CLINCH COUNTY
(Hw) - See Appling County
COBB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County
COFFEE COUNTY
(Hw) - See Appling County
COLQUITT COUNTY
(Hw) - See Appling County
COLUMBIA COUNTY
(Hw) - See Baldwin County
COOK COUNTY
(Hw) - See Appling County
COWETA COUNTY
(Hw) - See Baldwin County
CRAWFORD COUNTY
(Hw) - See Baldwin County
CRISP COUNTY
(Hw) - See Baldwin County
DADE COUNTY
(Hw) - See Banks County
DAWSON COUNTY
(Hw) - See Banks County
DECATUR COUNTY
(Hw) - See Appling County
DEKALB COUNTY
(B,H,Hw) - See Fulton County
(R) - See Fulton County

GEORGIA (Cont'd)

DODGE COUNTY
(Hw) - See Appling County
DOOLY COUNTY
(Hw) - See Baldwin County
DOUGHERTY COUNTY
(Hw) - See Appling County
DOUGLAS COUNTY
(Hw) - See Banks County
EARLY COUNTY
(Hw) - See Appling County
ECHOLS COUNTY
(Hw) - See Appling County
EFFINGHAM COUNTY
(Hw) - See Appling County
ELBERT COUNTY
(Hw) - See Banks County
EMANUEL COUNTY
(Hw) - See Baldwin County
EVANS COUNTY
(Hw) - See Appling County
FANNIN COUNTY
(Hw) - See Banks County
FAYETTE COUNTY
(Hw) - See Baldwin County
FLOYD COUNTY
(Hw) - See Banks County
FORSYTH COUNTY
(Hw) - See Banks County
FRANKLIN COUNTY
(Hw) - See Banks County
FULTON COUNTY
Decision #AQ-4000 (B,H,Hw)
38 FR 19637 - 7/20/73
Mod. #1 - 38 FR 25853 - 9/14/73
Mod. #2 - 38 FR 27163 - 9/28/73
Mod. #3 - 38 FR 28470 - 10/12/73
Decision #AP-150 (R)
38 FR 3254 - 2/2/73
Mod. #1 - 38 FR 5088 - 2/23/73
GILMER COUNTY
(Hw) - See Banks County
GLASCOCK COUNTY
(Hw) - See Baldwin County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Appling County
GORDON COUNTY
(Hw) - See Banks County
GRADY COUNTY
(Hw) - See Appling County
GREENE COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

GWINNETT COUNTY
(Hw) - See Banks County
HABERSHAM COUNTY
(Hw) - See Banks County
HALL COUNTY
(Hw) - See Banks County
HANCOCK COUNTY
(Hw) - See Baldwin County
HARALSON COUNTY
(Hw) - See Banks County
HARRIS COUNTY
(Hw) - See Baldwin County
HART COUNTY
(Hw) - See Banks County
HEARD COUNTY
(Hw) - See Baldwin County
HENRY COUNTY
(Hw) - See Clayton County
HOUSTON COUNTY
(Hw)-See Baldwin County
IRWIN COUNTY
(Hw) - See Appling County
JACKSON COUNTY
(Hw) - See Banks County
JASPER COUNTY
(Hw) - See Baldwin County
JEFF DAVIS COUNTY
(Hw) - See Appling County
JEFFERSON COUNTY
(Hw) - See Baldwin County
JENKINS COUNTY
(Hw) - See Baldwin County
JOHNSON COUNTY
(Hw) - See Baldwin County
JONES OCUNTY
(Hw) - See Baldwin County
LAMAR COUNTY
(Hw) - See Baldwin County
LANIER COUNTY
(Hw) - See Appling County
LAURENS COUNTY
(Hw) - See Appling County
LEE COUNTY
(Hw) - See Appling County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Bryan County
LINCOLN COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

LONG COUNTY
(Hw) - See Appling County
LOWNDES COUNTY
(Hw) - See Appling County
LUMPKIN COUNTY
(Hw) - See Banks County
McDUFFIE COUNTY
(Hw) - See Baldwin County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Appling County
MACON COUNTY
(Hw) - See Baldwin County
MADISON COUNTY
(Hw) - See Banks County
MARION COUNTY
(Hw) - See Baldwin County
MERIWETHER COUNTY
(Hw) - See Baldwin County
MILLER COUNTY
(Hw) - See Appling County
MITCHELL COUNTY
(Hw) - See Appling County
MONROE COUNTY
(Hw) - See Baldwin County
MONTGOMERY COUNTY
(Hw) - See Appling County
MORGAN COUNTY
(Hw) - See Baldwin County
MURRAY COUNTY
(Hw) - See Banks County
MUSCOGEE COUNTY
(Hw) - See Baldwin County
NEWTON COUNTY
(Hw) - See Baldwin County
OCONEE COUNTY
(Hw) - See Baldwin County
OGLETHORPE COUNTY
(Hw) - See Baldwin County
PAULDING COUNTY
(Hw) - See Banks County
PEACH COUNTY
(Hw) - See Baldwin County
PICKENS COUNTY
(Hw) - See Banks County
PIERCE COUNTY
(Hw) - See Appling County
PIKE COUNTY
(Hw) - See Baldwin County

GEORGIA (Cont'd)

POLK COUNTY
(Hw) - See Banks County
PULASKI COUNTY
(Hw) - See Baldwin County
PUTNAM COUNTY
(Hw) - See Baldwin County
QUITMAN COUNTY
(Hw) - See Appling County
RABUN COUNTY
(Hw) - See Banks County
RANDOLPH COUNTY
(Hw) - See Appling County
RICHMOND COUNTY
(Hw) - See Baldwin County
ROCKDALE COUNTY
(Hw) - See Baldwin County
SCHLEY COUNTY
(Hw) - See Baldwin County
SCREVEN COUNTY
(Hw) - See Baldwin County
SEMINOLE COUNTY
(Hw) - See Appling County
SPALDING COUNTY
(Hw) - See Baldwin County
STEPHENS COUNTY
(Hw) - See Banks County
STEWART COUNTY
(Hw) - See Baldwin County
SUMTER COUNTY
(Hw) - See Baldwin County
TALBOT COUNTY
(Hw) - See Baldwin County
TALIAFERRO COUNTY
(Hw) - See Baldwin County
TATTNALL COUNTY
(Hw) - See Appling County
TAYLOR COUNTY
(Hw) - See Baldwin County
TELFAIR COUNTY
(Hw) - See Appling County
TERRELL COUNTY
(Hw) - See Appling County
THOMAS COUNTY
(Hw) - See Appling County
TIFT COUNTY
(Hw) - See Appling County
TOOMBS COUNTY
(Hw) - See Appling County

GEORGIA (Cont'd)

TOWNS COUNTY
(Hw) - See Banks County
TREUTLEN COUNTY
(Hw) - See Appling County
TROUP COUNTY
(Hw) - See Baldwin County
TURNER COUNTY
(Hw) - See Appling County
TWIGGS COUNTY
(Hw) - See Baldwin County
UNION COUNTY
(Hw) - See Banks County
UPSON COUNTY
(Hw) - See Baldwin County
WALKER COUNTY
(Hw) - See Banks County
WALTON COUNTY
(Hw) - See Baldwin County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AP-160 (R)
38 FR 5083 - 2/23/73
Mod. #1 - 38 FR 10573 4/27/73
(Hw) - See Appling County
WARREN COUNTY
(Hw) - See Baldwin County
WASHINGTON COUNTY
(Hw) - See Baldwin County
WAYNE COUNTY
(Hw) - See Appling County
WEBSTER COUNTY
(Hw) - See Baldwin County
WHEELER COUNTY
(Hw) - See Appling County
WHITE COUNTY
(Hw) - See Banks county
WHITFIELD COUNTY
(Hw) - See Banks County
WILCOX COUNTY
(Hw) - See Baldwin County
WILKES COUNTY
(Hw) - See Baldwin County
WILKINSON COUNTY
(Hw) - See Baldwin County
WORTH COUNTY
(Hw) - See Appling County

GUAM

GUAM
Decision #AQ-1034 (B,R,H,Hw)
38 FR 25848 - 9/14/73

HAWAII

STATEWIDE
Decision #AQ-1040 (R)
38 FR 26571 - 9/21/73
Mod. #1 - 38 FR 31753 - 11/16/73
Decision #AQ-1039 (B,Hw,H)
38 FR 26565 - 9/21/73
Mod. #1 - 38 FR 31753 - 11/16/73
HAWAII COUNTY
(B,H,Hw) - See Statewide
(R) - See Statewide
HONOLULU COUNTY
(B,H,Hw) - See Statewide
(R) - See Statewide
KAUAI COUNTY
(B,H,Hw) - See Statewide
(R) - See Statewide
MAUI COUNTY
(B,H,Hw) - See Statewide
(R) - See Statewide

IDAHO

ADA COUNTY
Decision #AQ-1054 (B,H,Hw)
38 FR 31119 - 11/9/73
Mod. #1 - 38 FR 33878 - 12/7/73
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
ADAMS COUNTY
(B,H,Hw) - See Ada County
BANNOCK COUNTY
Decision #AQ-1030 (B,H,Hw)
38 FR 24517 - 9/7/73
Mod. #1 - 38 FR 26544 - 9/21/73
BEAR LAKE COUNTY
(B,H,Hw) - See Bannock County
BENEWAH COUNTY
Decision #AQ-1031 (B,H,Hw)
38 FR 24522 - 9/7/73
Mod. #1 - 38 FR 26544 - 9/21/73
Mod. #2 - 38 FR 27708 - 10/5/73
BINGHAM COUNTY
(B,H,Hw) - See Bannock County
BLAINE COUNTY
(B,H,Hw) - See Ada County
BOISE COUNTY
(B,H,Hw) - See Ada County
BONNER COUNTY
(B,H,Hw) - See Benewah County
BONNEVILLE COUNTY
(B,H,Hw) - See Bannock County
BOUNDARY COUNTY
(B,H,Hw) - See Benewah County
BUTTE COUNTY
(B,H,Hw) - See Ada County
CAMAS COUNTY
(B,H,Hw) - See Ada County
CANYON COUNTY
(B,H,Hw) - See Ada County
CARIBOU COUNTY
(B,H,Hw) - See Bannock County
CASSIA COUNTY
(B,H,Hw) - See Ada County
CLARK COUNTY
(B,H,Hw) - See Bannock County
CLEARWATER COUNTY
(B,H,Hw) - See Benewah County
CUSTER COUNTY
(b,H,Hw) - See Ada County
ELMORE COUNTY
(B,H,Hw) - See Ada County
FRANKLIN COUNTY
(B,H,Hw) - See Bannock County

IDAHO (cont'd)

FREMONT COUNTY
(B,H,Hw,) - See Bannock County
GEM COUNTY
(B,H,Hw) - See Ada County
GOODLING COUNTY
(B,H,Hw) - See Ada County
IDAHO COUNTY
(B,H,Hw) - See Benewah County
JEFFERSON COUNTY
(B,H,Hw) - See Bannock County
JEROME COUNTY
(B,H,Hw) - See Ada County
KOOTENAI COUNTY
(B,H,Hw) - See Benewah County
LATAH COUNTY
(B,H,Hw) - See Benewah County
LEMHI COUNTY
(B,H,Hw) - See Ada County
LEWIS COUNTY
(B,H,Hw) - See Benewah County
LINCOLN COUNTY
(B,H,Hw) - See Ada County
MADISON COUNTY
(B,H,Hw) - See Bannock County
MINIDOKA COUNTY
(B,H,Hw) - See Ada County
NEZ PERCE COUNTY
(B,H,Hw) - See Benewah County
ONEIDA COUNTY
(B,H,Hw) - See Bannock County
OWYHEE COUNTY
(B,H,Hw) - See Ada County
PAYETTE COUNTY
(B,H,Hw) - See Ada County
POWER COUNTY
(B,H,Hw) - See Bannock County
SHOSHONE COUNTY
(B,H,Hw) - See Benewah County
TETON COUNTY
(B,H,Hw) - See Bannock County
TWIN FALLS COUNTY
(B,H,Hw) - See Ada County
VALLEY COUNTY
(B,H,Hw) - See Ada County
WASHINGTON COUNTY
(B,H,Hw) - See Ada County

ILLINOIS

ADAMS COUNTY
Decision #AP-1016 (Hw)(H)
38 FR 14573 - 6/1/73
Mod. #1 - 38 FR 18813 - 7/13/73
Mod. #2 - 38 FR 22312 - 8/17/73
Mod. #3 - 38 FR 32337 - 11/23/73
ALEXANDER COUNTY
Decision #AP-1019 (H)(Hw)
38 FR 14589 - 6/1/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOND COUNTY
Decision #AP-1018 (Hw)(H)
38 FR 14583 - 6/1/73
BOONE COUNTY
Decision #AP-1012 (H)(Hw)
38 FR 14542 - 6/1/73
Mod. #1 - 38 FR 18812 - 7/13/73
BROWN COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AP-1013 (Hw)(H)
38 FR 14552 - 6/1/73
Mod. #1 - 38 FR 17330 - 6/29/73
Mod. #2 - 38 FR 18812 - 7/13/73
Mod. #3 - 38 FR 22312 - 8/17/73
CALHOUN COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H)(Hw) - See Bureau County
CASS COUNTY
(H)(Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AP-689 (B)
38 FR 15247 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 22304 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Mod. #4 - 38 FR 32336 - 11/23/73
Decision #AP-1015 (H)(Hw)
38 FR 14569 - 6/1/73
Mod. #1 - 38 FR 32336 - 11/23/73
CHRISTIAN COUNTY
(H)(Hw) - See Adams County
CLARK COUNTY
(H) (Hw) - See Champaign County
CLAY COUNTY
Decision #AP-1017 (H)(Hw)
38 FR 14578 - 6/1/73
Mod. #1 - 38 FR 21011 - 8/3/73
CLINTON COUNTY
(H)(Hw) - See Bond County
COLES COUNTY
(H)(Hw) - See Champaign County

ILLINOIS

COOK COUNTY
Decision #AP-690 (B,H,Hw)
38 FR 15250 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22304 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Decision #AP-1003 (R)
38 FR 15302 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/13/73
Mod. #2 - 38 FR 22308 - 8/17/73
Mod. #3 - 38 FR 29142 - 10/19/73
Decision #AP-4 (D)
37 FR 14570 - 7/21/72
CRAWFORD COUNTY
(H)(Hw) - See Clay County
CUMBERLAND COUNTY
(H)(Hw) - See Champaign County
DEKALB COUNTY
(H)(Hw) - See Boone County
DEWITT COUNTY
(H)(Hw) - See Champaign County
DOUGLAS COUNTY
(H) (Hw) - See Champaign County
DU PAGE COUNTY
Decision #AP-691 (B)
38 FR 15256 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22305 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Decision #AP-1004 (R)
38 FR 15305 - 6/8/73
Mod. #1 - 38 FR 20162 - 7/27/73
Mod. #2 - 38 FR 22309 - 8/17/73
Mod. #3 - 38 FR 29142 - 10/19/73
(H) (Hw) - See Boone County
EDGAR COUNTY
(H)(Hw) - See Champaign County
EDWARDS COUNTY
(H)(Hw) - See Clay County
EFFINGHAM COUNTY
(H)(Hw) - See Clay County
FAYETTE COUNTY
(H)(Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H)(Hw) - See Alexander County
FULTON COUNTY
Decision #AP-104 (H,Hw)
38 FR 14563 - 6/1/73
GALLATIN COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H)(Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H)(Hw) - See Clay County

ILLINOIS (Cont'd)

HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H)(Hw) - See Bureau County
IROQUOIS COUNTY
None
JACKSON COUNTY
(H)(Hw) - See Alexander County
(D) - See Alexander
JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander
JO DAVIESS COUNTY
(H)(Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AP-692 (B)
38 FR 15260 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 22305 - 8/17/73
Mod. #3 - 38 FR 29139 - 10/19/73
Decision #AP-1005 (R)
38 FR 15309 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 22309 - 8/17/73
Mod. #3 - 38 FR 29143 - 10/19/73
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AP-693 (B)
38 FR 15263 - 6/8/73
Mod. #1 - 38 FR 22305 - 8/17/73
Mod. #2 - 38 FR 29140 - 10/19/73
Decision #AP-1006 - (R)
38 FR 15263 - 6/18/73
Mod. #1 - 38 FR 22309 - 8/17/73
Mod. #2 - 38 FR 29143 - 10/19/73
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County

ILLINOIS (Cont'd)

LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(Hw) - See Boone County
MCHENRY COUNTY
(H,Hw) - See Boone County
McCLEAN COUNTY
None
MACON COUNTY
(Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AP-694 (B)
38 FR 15266 - 6/18/73
Mod. #1 - 38 FR 29140 - 10/19/73
Decision #AP-1007 (R)
38 FR 15315 - 6/8/73
Mod. #1 - 38 FR 29143 - 10/19/73
(H,Hw) - See Bond County
MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AP-695 (B) (D)
38 FR 15270 - 6/8/73
Mod. #1 - 38 FR 18811 - 7/13/73
Mod. #2 - 38 FR 29140 - 10/19/73
Decision #AP-1008 (R)
38 FR 15319 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29143 - 10/19/73
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County

ILLINOIS (Cont'd)

PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AP-696 (B)
38 FR 17276 - 6/8/73
Mod. #1 - 38 FR 29140 - 10/19/73
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AP-697 (B)
38 FR 15279 - 6/8/73
Mod. #1 - 38 FR 21011 - 8/3/73
Mod. #2 - 38 FR 29141 - 10/19/73
Decision #AP-1009 (R)
38 FR 15324 - 6/8/73
Mod. #1 - 38 FR 29143 - 10/19/73
(H,Hw) - See Bond County
(D) - See Alexander County
SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AP-698 (B)
38 FR 15284 - 6/8/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29141 - 10/19/73
Decision #AP-1010 (R)
38 FR 15203 - 6/18/73
Mod. #1 - 38 FR 18812 - 7/13/73
Mod. #2 - 38 FR 29144 - 10/19/73
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B)(R) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AP-699 (B)
38 FR 15287 - 6/18/73

ILLINOIS (Cont'd)

VERMILLION COUNTY (CONT'D)
Mod. #1 - 38 FR 29141 - 10/19/73
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITEWIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AP-1001 (B)
38 FR 15294 - 6/8/73
Mod. #1 - 38 FR 22306 - 8/17/73
Mod. #2 - 38 FR 29141 - 10/19/73
Decision #AP-1011 (R)
38 FR 15329 - 6/8/73
Mod. #1 - 38 FR 22310 - 8/17/73
Mod. #2 - 38 FR 29144 - 10/19/73
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AP-1000 (B)
38 FR 15291 - 6/8/73
Mod. #1 - 38 FR 29141 - 10/19/73
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AP-1002 (B)
38 FR 15298 - 6/8/73
Mod. #1 - 38 FR 22308 - 8/17/73
Mod. #2 - 38 FR 29142 - 10/19/73
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

INDIANA

ADAMS COUNTY
Decision #AP-662 (H)(Hw)
38 FR 13214 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
Mod. #2 - 38 FR 18816 - 7/13/73
ALLEN COUNTY
Decision #AP-648 (B)
38 FR 13165 - 5/18/73
Mod. #1 - 38 FR 18814 - 7/13/73
Mod. #2 - 38 FR 30313 - 11/2/73
Decision #AQ-3000 (R)
38 FR 22341 - 8/17/73
(H)(Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AP-649 (B)
38 FR 13168 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 18814 - 7/13/73
Mod. #3 - 38 FR 30314 - 11/2/73
Decision #AP-666 (H)(Hw)
38 FR 13237 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
Mod. #2 - 38 FR 18817 - 7/13/73
BENTON COUNTY
Decision #AP-650 (B)
38 FR 13171 - 5/18/73
Mod. #1 - 38 FR 18814 - 7/13/73
Mod. #2 - 38 FR 30316 - 11/2/73
Decision #AP-663 (H)(Hw)
37 FR 13221 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
Mod. #3 - 38 FR 18816 - 7/13/73
BLACKFORD COUNTY
Decision #AP-664 (H)(Hw)
38 FR 13227 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
Mod. #2 - 38 FR 18817 - 7/13/73
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/73
Decision #AP-665 (Hw)(H)
38 FR 13232 - 5/18/73
Mod. #1 - 38 FR 17332 - 6/29/73
Mod. #2 - 38 FR 18817 - 7/13/73
BROWN COUNTY
(H)(Hw) - See Bartholomew County
CARROLL COUNTY
(H)(Hw) - See Benton County
CASS COUNTY
(H)(Hw) - See Benton County
CLARK COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H)(Hw) - See Bartholomew County
CLAY COUNTY
(H)(Hw) - See Boone County
CLINTON COUNTY
(H)(Hw) - See Benton County

INDIANA (cont'd)

CRAWFORD COUNTY
Decision #AP-667 (H,Hw)
38 FR 13244 - 5/18/73
Mod. #1 - 38 FR 17333 - 6/29/73
Mod. #2 - 38 FR 18817 - 7/13/73
(D) - See Clark County
DAVIESS COUNTY
(H,HW) - See Boone County
DEARBORN COUNTY
Decision #AP-651 (B)
38 FR 13174 - 6/18/73
Mod. #1 - 38 FR 18814 - 7/13/73
Mod. #2 - 38 FR 30317 - 11/2/73
(D) - See Clark County
(H,Hw) - See Bartholomew County
DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AP-652 (B)
38 FR 13177 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 18814 - 7/13/73
Mod. #3 - 38 FR 30318 - 11/2/73
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County

INDIANA (Cont'd)

GRANT COUNTY
Decision #AP-653 (B)
38 FR 13180 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 18814 - 7/13/73
Mod. #3 - 38 FR 30318 - 11/2/73
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw,) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County
JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AP-654 (B,H,Hw)
38 FR 13182 - 5/18/73
Mod. #1 - 38 FR 18815 - 7/13/73
Mod. #2 - 38 FR 30319 - 11/2/73
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
LAPORTE COUNTY
Decision #AP-655 (B,H,Hw)
38 FR 13188 - 5/18/73
Mod. #1 - 38 FR 18815 - 7/13/73
Mod. #2 - 38 FR 30320 - 11/2/73
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AP-656 (B)
38 FR 13193 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 18815 - 7/13/73
Mod. #3 - 38 FR 30321 - 11/2/73
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AP-657 (B)
38 FR 13196 - 5/18/73
Mod. #1 - 38 FR 18815 - 7/13/73
Mod. #2 - 38 FR 30321 - 11/2/73
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AP-658 (B,H,Hw)
38 FR 13199 - 5/18/73
Mod. #1 - 38 FR 18815 - 7/13/73
Mod. #2 - 38 FR 30322 - 11/2/73
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AP-659 (B,H,Hw)
38 FR 13203 - 5/18/73
Mod. #1 - 38 FR 18816 - 7/13/73
Mod. #2 - 38 FR 30323 - 11/2/73
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) See Crawford County

INDIANA (Cont'd)

STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AP-660 (B)
38 FR 13208 - 5/18/73
Mod. #1 - 38 FR 18816 - 7/13/73
Mod. #2 - 38 FR 30324 - 11/2/73
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AP-661 (B)
38 FR 13211 - 5/18/73
Mod. #1 - 38 FR 15787 - 6/15/73
Mod. #2 - 38 FR 17332 - 6/29/73
Mod. #3 - 38 FR 18816 - 7/13/73
Mod. #4 - 38 FR 30324 - 11/2/73
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AQ-17 (B,H,Hw) (City of Waterloo & abutting Municipalities
38 FR 21078 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31754 - 11/16/73
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H,Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO GORDO COUNTY (MASON CITY)
Decision #AM-2,448 (B,H,Hw)
36 FR 16796 - 8-25-71
Mod. #1-36 FR 18985 - 9-24-71
Mod. #2-37 FR 4465 - 3-3-72
Mod. #3-38 FR 16579 - 6/22/73
Mod. #4-38 FR 18115 - 7/6/73
Mod. #5-38 FR 20163 - 7/27/73
Mod. #6 - 38 FR 22843 - 8/24/73
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AQ-12 (B,H,Hw)
38 FR 21059 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31754 - 11/16/73
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AQ-16 (B,H,Hw)
38 FR 21074 - 8/3/73
Mod. #1 - 38 FR 22849 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 31097 - 11/9/73
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AQ-13 (B,H,Hw)
38 FR 21062 - 8/3/73
Mod. #1 - 38 FR 22846 - 8/24/73
Mod. #2 - 38 FR 26544 - 9/21/73
Mod. #3 - 38 FR 29144 - 10/19/73
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AQ-20 (B,H,Hw)
38 FR 22861 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AQ-19 (B,H,Hw)
38 FR 22857 - 8/24/73
Mod. #1 - 38 FR 26545 - 9/21/73
Mod. #2 - 38 FR 29145 - 10/19/73
Mod. #3 - 38 FR 31754 - 11/16/73
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AQ-15 (B,H,Hw)
38 FR 21070 - 8/3/73
Mod. #1 - 38 FR 22848 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8-11-72

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AM-2,455 (B,H,Hw)
36 FR 16820 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AQ-3 (B,H,Hw)
38 FR 19641 - 7/20/73
Mod. #1 - 38 FR 26544 - 9/21/73
Mod. #2 - 38 FR 29144 - 10/19/73
Mod. #3 - 38 FR 30313 - 11/2/73
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AQ-14 (B,H,Hw)
38 FR 21066 - 8/3/73
Mod. #1 - 38 FR 22847 - 8/24/73
Mod. #2 - 38 FR 26545 - 9/21/73
Mod. #3 - 38 FR 29145 - 10/19/73
Mod. #4 - 38 FR 30313 - 11/2/73
Mod. #5 - 38 FR 31097 - 11/9/73
TAMA COUNTY
None
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AM-2,458 (B,H,Hw)
36 FR 16830 - 8-25-71
Mod. #1-37 FR 4466 - 3-3-72
Mod. #2-37 FR 11117 - 6/2/72
Mod. #3 - 38 FR 15787 - 6/15/73
Mod. #4 - 38 FR 17337 - 6/29/73
Mod. #5 - 38 FR 18115 - 7/6/73
Mod. #6 - 38 FR 18817 - 7/13/73
Mod. #7 - 38 FR 22844 - 8/24/73

IOWA (Cont'd)

WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None
WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AQ-11 (B,H,Hw)
38 FR 21055 - 8/3/73
Mod. #1 - 38 FR 22845 - 8/24/73
Mod. #2 - 38 FR 23653 - 8/31/73
Mod. #3 - 38 FR 26544 - 9/21/73
Mod. #4 - 38 FR 29144 - 10/19/73
Mod. #5 - 38 RR 31097 - 11/9/73
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw) - See Barber County
BOURBON COUNTY
(Hw) - See Allen County
BROWN COUNTY
(Hw) - See Allen County
BUTLER COUNTY
(Hw) - See Allen County
CHASE COUNTY
(Hw) - See Allen County
CHAUTAUAUA COUNTY
(Hw) - See Allen County
CHEROKEE COUNTY
(Hw) - See Allen County
CHEYENNE COUNTY
(Hw) - See Barber County
CLARK COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

CLAY COUNTY
(Hw) - See Allen County
CLOUD COUNTY
(Hw) - See Allen County
COFFEY COUNTY
(Hw) - See Allen County
COMANCHE COUNTY
(Hw) - See Barber County
COWLEY COUNTY
(Hw) - See Allen County
CRAWFORD COUNTY
(Hw) - See Allen County
DECATUR COUNTY
(Hw) - See Barber County
DICKINSON COUNTY
(Hw) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8-25-72
Mod. #1-37 FR 20389 - 9-29-72
Mod. #2-38 FR 6523 - 3/9/73
Mod. #3-38 FR 9389 - 4/13/73
Mod. #4-38 FR 20164 - 7/27/73
Mod. #5 - 38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw) - See Barber County
ELK COUNTY
(Hw) - See Allen County
ELLIS COUNTY
(Hw) - See Barber County
ELLSWORTH COUNTY
(Hw) - See Barber County
FINNEY COUNTY
(Hw) - See Barber County
FORD COUNTY
(Hw) - See Barber County
FRANKLIN COUNTY
(Hw) - See Allen County
GEARY COUNTY
(Hw) - See Allen County
GOVE COUNTY
(Hw) - See Barber County
GRAHAM COUNTY
(Hw) - See Barber County
GRANT COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw) - See Barber County
GREELEY COUNTY
(Hw) - See Barber County
GREENWOOD COUNTY
(Hw) - See Allen County
HAMILTON COUNTY
(Hw) - See Barber County
HARPER COUNTY
(Hw) - See Allen County
HARVEY COUNTY
(Hw) - See Allen County
HASKELL COUNTY
(Hw) - See Barber County
HODGEMAN COUNTY
(Hw) - See Barber County
JACKSON COUNTY
(Hw) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw) - See Barber County
KINGMAN COUNTY
(Hw) - See Allen County
KIOWA COUNTY
(Hw) - See Barber County
LABETTE COUNTY
(Hw) - See Allen County
LANE COUNTY
(Hw) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/12/73
Mod. #1 - 38 FR 31754 - 11/16/73
(Hw) - See Douglas County
(D) - See Atchison County

KANSAS (Cont'd)

LINCOLN COUNTY
(Hw) - See Barber County
LINN COUNTY
(Hw) - See Allen County
LOGAN COUNTY
(Hw) - See Barber County
LYON COUNTY
(Hw) - See Allen County
McPHERSON COUNTY
(Hw) - See Allen County
MARION COUNTY
(Hw) - See Allen County
MARSHALL COUNTY
(Hw) - See Allen County
MEADE COUNTY
(Hw) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw) - See Barber County
MONTGOMERY COUNTY
(Hw) - See Allen County
MORRIS COUNTY
(Hw) - See Allen County
MORTON COUNTY
(Hw) - See Barber County
NEMAHA COUNTY
(Hw) - See Allen County
NEOSHO COUNTY
(Hw) - See Allen County
NESS COUNTY
(Hw) - See Barber County
NORTON COUNTY
(Hw) - See Barber County
OSAGE COUNTY
(Hw) - See Allen County
OSBORNE COUNTY
(Hw) - See Barber County
OTTAWA COUNTY
(Hw) - See Allen County
PAWNEE COUNTY
(Hw) - See Barber County
PHILLIPS COUNTY
(Hw) - See Barber County
POTTAWATOMIE COUNTY
(Hw) - See Allen County
PRATT COUNTY
(Hw) - See Barber County
RAWLINS COUNTY
(Hw) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw) - See Allen County
REPUBLIC COUNTY
(Hw) - See Allen County
RICE COUNTY
(Hw) - See Barber County
RILEY COUNTY
(Hw) - See Allen County
ROOKS COUNTY
(Hw) - See Barber County
RUSH COUNTY
(Hw) - See Barber County
RUSSELL COUNTY
(Hw) - See Barber County
SALINE COUNTY
(Hw) - See Allen County
SCOTT COUNTY
(Hw) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
(Hw) - See Douglas County
Decision #AQ-33 (R)
38 FR 27172 - 9/28/73

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw) - See Barber County
SHERMAN COUNTY
(Hw) - See Barber County
SMITH COUNTY
(Hw) - See Barber County
STAFFORD COUNTY
(Hw) - See Barber County
STANTON COUNTY
(Hw) - See Barber County
STEVENS COUNTY
(Hw) - See Barber County
SUMNER COUNTY
(Hw) - See Allen County
THOMAS COUNTY
(Hw) - See Barber County
TREGO COUNTY
(Hw) - See Barber County
WABAUNSEE COUNTY
(Hw) - See Allen County
WALLACE COUNTY
(Hw) - See Barber County
WASHINGTON COUNTY
(Hw) - See Allen County
WICHITA COUNTY
(Hw) - See Barber County
WILSON COUNTY
(Hw) - See Allen County
WOODSON COUNTY
(Hw) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

KENTUCKY

ADAIR COUNTY
Decision #AQ-4025 (H,Hw)
38 FR 29175 - 10/19/73
Mod. #1 - 38 FR 30325 - 11/2/73
ALLEN COUNTY
Decision #AP-145 (H,Hw)
38 FR 2040 - 1/19/73
Mod. #1-38 FR 14513 - 6/1/73
Mod. #2-38 FR 22313 - 8/17/73
ANDERSON COUNTY
Decision #AP-146 (H,Hw)
38 FR 2044 - 1/19/73
Mod. #1-38 FR 14514 - 6/1/73
Mod. #2-38 FR 22314 - 8/17/73
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AM-487 (R)
36 FR 16459 - 8/20/71
BELL COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
Decision #AQ-4013 (B)
38 FR 27175 - 9/28/73
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AQ-4020 (B)
38 FR 28516 - 10/12/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4026 (H,Hw)
38 FR 29179 - 10/19/73
Mod. #1 - 38 FR 30325 - 11/2/73

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AP-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLOWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(B,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County

KENTUCKY (cont'd)

ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County
FAYETTE COUNTY
Decision #AQ-4021 (B)
38 FR 28519 - 10/12/73
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone COunty
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREEN COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County

KENTUCKY (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HARDIN COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AQ-4022 (B)
38 FR 28522 - 10/12/73
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
JOHNSON COUNTY
Decision #AP-147 (H,Hw)
38 FR 2048 - 1/19/73
Mod. #1-38 FR 14515 - 6/1/73
Mod. #2-38 FR 22314 - 8/17/73
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair cOunty
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair county
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCRACKEN COUNTY
Decision #AQ-4023 (B)
38 FR 28525 - 10/12/73
(D) - See Boone County
(H,Hw) - See Allen County
McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County
NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County

KENTUCKY (Cont'd)

RUSSELL COUNTY
(Hw,H) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AQ-4024 (B,H,Hw)
38 FR 28527 - 10/12/73
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
ACADIA PARISH
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AQ-42 (B)
38 FR 30342 - 11/2/73
Mod. #1 - 38 FR 33207 - 11/30/73
ALLEN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASCENSION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ASSUMPTION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
BEAUREGARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
BOSSIER PARISH
(D) - See Statewide
(F) - See Acadia Parish
Decision #AQ-5 (B)
38 FR 19647 - 7/20/73
Mod. #1 - 38 FR 23655 - 8/31/73
Mod. #2 - 38 FR 29146 - 10/19/73
Mod. #3 - 38 FR 29731 - 10/26/73
Mod. #4 - 38 FR 32338 - 11/23/73
Mod. #5 - 38 FR 33206 - 11/30/73
Decision #AQ-6 (R)
38 FR 19649 - 7/20/73
Mod. #1 - 38 FR 23655 - 8/31/73
Mod. #2 - 38 FR 29146 - 10/19/73
Mod. #3 - 38 FR 29731 - 10/26/73
Mod. #4 - 38 FR 32338 - 11/23/73
Mod. #5 - 38 FR 33206 - 11/30/73
CADDO PARISH
(D) - See Statewide
(B,R) - See Bossier Parish
CALCASIEU PARISH
(D) - See Statewide
(B) - See Acadia Parish
(F) - See Acadia Parish

LOUISIANA (Cont'd)

CALCASIEU PARISH (cont'd)
Decision #AQ-4 (R)
38 FR 19645 - 7/20/73
Mod. #1 - 38 FR 23655 - 8/31/73
Mod. #2 - 38 FR 27164 - 9/28/73
Mod. #3 - 38 FR 27708 - 10/5/73
Mod. #4 - 38 FR 29146 - 10/19/73
Mod. #5 - 38 FR 30325 - 11/2/73
Mod. #6 - 38 FR 33206 - 11/30/73
CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
CAMERON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST BATON ROUGE PARISH
(D) - See Statewide
(B) - See Acadia Parish
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
EAST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
EVANGELINE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
FRANKLIN PARISH
(D) - See Statewide
(F) - See Acadia Parish

LOUISIANA (Cont'd)

GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
IBERIA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
IBERVILLE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
JACKSON PARISH
(D) - See Statewide
(F) - See Acadia Parish
JEFFERSON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
JEFFERSON DAVIS PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
LAFAYETTE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
LAFOURCHE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
LIVINGSTON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
MOREHOUSE PARISH
(D) - See Statewide
(F) - See Acadia Parish
NATCHITOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
ORLEANS PARISH
(D) - See Statewide
(B) - See Acadia Parish

LOUISIANA (Cont'd)

OUACHITA PARISH
(D) - See Statewide
Decision #AP-317 (R)
37 FR 17305-8/25/72
PLAQUEMINES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
POINTE COUPEE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
RAPIDES PARISH
(D) - See Statewide
Decision #AQ-39 (B)
38 FR 29752 - 10/26/73
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
ST. BERNARD PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. CHARLES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. HELENA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. JAMES PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. LANDRY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. MARTIN PARISH
(D) - See Statewide
(B,F) - See Acadia Parish

LOUISIANA (Cont'd)

ST. MARY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
ST. TAMMANY PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
TANGIPAHOA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
TERREBONNE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
VERMILION PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
WASHINGTON PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
WEST BATON ROUGE PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
WEST FELICIANA PARISH
(D) - See Statewide
(B,F) - See Acadia Parish
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
None
ANNE ARUNDEL COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
Decision #AQ-2004 (B,H,Hw)
38 FR 21711 - 8/10/73
Mod. #1 - 38 FR 22851 - 8/24/73
Mod. #2 - 38 FR 29146 - 10/19/73
Mod. #3 - 38 FR 29731 - 10/26/73
Mod. #4 - 38 FR 31756 - 11/16/73
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AQ-2022 (B,H,Hw)
38 FR 29182 - 10/19/73
Mod. #1 - 38 FR 31756 - 11/16/73
Decision #AM-1,846 (R)
36 FR 16249 - 8/20/71
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
DORECHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
None
GARRETT COUNTY
None
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (Cont'd)

MONTGOMERY COUNTY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Mod. #1 - 38 FR 20187 - 7/27/73
Mod. #2 - 38 FR 20710 - 8/10/73
Mod. #3 - 38 FR 22857 - 8/24/73
Mod. #4 - 38 FR 29154 - 10/19/73
Mod. #5 - 38 FR 31773 - 11/16/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B)-See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County

MASSACHUSETTS

BARNSTABLE COUNTY
Decision AQ-3038 (B,H,Hw, & Marine)
38 FR 32352 - 11/23/73
Decision #AP-803 - (D)
38 FR 10580 - 4/27/73
BERKSHIRE COUNTY
None
BRISTOL COUNTY
Decision AQ-3039 (B,H,Hw, & Marine)
38 FR 32356 - 11/23/73
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision AQ-3040 (B,H,Hw & Marine)
38 FR 32361 - 11/23/73
(D) - See Barnstable County
FRANKLIN COUNTY
None
HAMPDEN COUNTY
Decision #AQ-3031 (B,H,Hw)
38 FR 30357 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
Decision #AQ-3032 (R)
38 FR 30361 - 11/2/73
Mod. #1 - 38 FR 33205 - 11/30/73
HAMPSHIRE COUNTY
None
MIDDLESEX COUNTY
Decision AQ-3041 (B,H,Hw & Marine)
38 FR 32366 - 11/23/73
(D) - See Barnstable County
Decision AQ-3042 (R)
38 FR 32372 - 11/23/73

MASSACHUSETTS (CONT'D)

NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision AQ-3043 (B,H,Hw)
38 FR 32376 - 11/23/73
Decision AQ-3044 (R)
38 FR 32380 - 11/23/73
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision AQ-3026 (B,H,Hw)
38 FR 29125 - 10/19/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 32338 - 11/23/73
Decision #AQ-3027 (R)
38 FR 29129 - 10/19/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 32339 - 11/23/73
Mod. #3 - 38 FR 33205 - 11/30/73
(D) - See Barnstable County
SUFFOLK COUNTY
Decision AQ-3045 (B,H,Hw,Marine & D)
38 FR 32383 - 11/23/73
Decision #AQ-3008 (R)
38 FR 24480 - 9/7/73
Mod. #1 - 38 FR 27711 - 10/5/73
Mod. #2 - 38 FR 29732 - 10/26/73
Mod. #3 - 38 FR 31099 - 11/9/73
Mod. #4 - 38 FR 32338 - 11/23/73
WORCESTER COUNTY
Decision #AQ-3007 (B,H,Hw)
38 FR 23710 - 8/31/73
Mod. #1 - 38 FR 27710 - 10/5/73
Mod. #2 - 38 FR 28471 - 10/12/73
Mod. #3 - 38 FR 32338 - 11/23/73

MICHIGAN

ALCONA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-79 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldgs.)
37 FR 28377 - 12/22/72
Mod. #1 - 38 FR 936 - 1/5/73
Mod. #2 - 38 FR 4629 - 2/16/73
ALGER COUNTY
(Hw) (D) - See Alcona County
ALLEGAN COUNTY
Decision #AP-80 (B,H)
37 FR 28822 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Mod. #2 - 38 FR 20169 - 7/27/73
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
Decision #AP-77 (Highway, Bridge, Airport & Sewer Cons, excl. of Bldg.)
37 FR 28374 - 12/22/72
Mod. #1 - 38 FR 4629 - 2/16/73
Mod. #2 - 38 FR 21012 - 8/3/73
(D) - See Alcona County
ALPENA COUNTY
Decision #AP-81 (B,H)
37 FR 28825 - 12/29/72
Mod. #1 - 38 FR 5089 - 2/23/73
Mod. #2 - 38 FR 20169 - 7/27/73
(Hw,D) - See Alcona County
ANTRIM COUNTY
(Hw,D) - See Alcona County
ARENAC COUNTY
(Hw,D) - See Alcona County
BARAGA COUNTY
Decision #AP-82 (B,H)
37 FR 28850 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
Mod. #2 - 38 FR 20169 - 7/27/73
Mod. #3 - 38 FR 25854 - 9/14/73
(Hw,D) - See Alcona County
BARRY COUNTY
(Hw) - See Allegan County
BAY COUNTY
(D) - See Alcona County
(Hw) - See Allegan County

MICHIGAN (Cont'd)

BENZIE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
BERRIEN COUNTY
Decision # AP-83 (B,H)
37 FR 28828 - 12/12/72
Mod. #1 - 38 FR 5090 - 2/23/73
Mod. #2 - 38 FR 20170 - 7/27/73
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw) - See Allegan County
CALHOUN COUNTY
Decision #AP-84 (B,H)
37 FR 28831 - 12/29/72
Mod. #1 - 38 FR 5090 - 2/23/73
Mod. #2 - 38 FR 20170 - 7/27/73
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw) - See Allegan County
CASS COUNTY
(Hw) - See Allegan County
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AP-85 (B,H)
37 FR 28834 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
Mod. #2 - 38 FR 20170 - 7/27/73
(Hw,D) - See Alcona County
CHEBOYGAN COUNTY
(Hw,D) - See Alcona County
CHIPPEWA COUNTY
Decision #AP-86 (B,H)
37 FR 28837 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
Mod. #2 - 38 FR 20170 - 7/27/73
(Hw,D) - See Alcona County
CLARE COUNTY
(Hw) - See Alcona County
CLINTON COUNTY
(Hw) - See Allegan County

MICHIGAN (cont'd)

CRAWFORD COUNTY
(Hw) - See Alcona County
DELTA COUNTY
(Hw,D) - See Alcona County
DICKINSON COUNTY
(Hw) - See Alcona County
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw) - See Allegan County
EMMET COUNTY
Decision #AP-87 (B,H)
37 FR 28839 - 12/29/72
Mod. #1 - 38 FR 5091 - 2/23/73
Mod. #2 - 38 FR 20170 - 7/27/73
(Hw,D) - See Alcona County
GENESEE COUNTY
Decision #AP-88 (B,H)
37 FR 28870 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
Decision AP-76 (Highway, Bridge, Airpost & Sewer Cons, excl. of Bldgs.)
37 FR 28372 - 12/22/72
Mod. #1 - 38 FR 4628 - 2/16/73
GLADWIN COUNTY
(Hw) - See Alcona County
GOGEBIC COUNTY
Decision #AP-89 (B,H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(Hw,D) - See Alcona County
GRAND TRAVERSE COUNTY
Decision #AP-90 (B,H)
37 FR 28873 - 12/29/72
Mod. #1 - 38 FR 5092 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(Hw,D) - See Alcona County
GRATIOT COUNTY
(Hw) - See Allegan County
HILLSDALE COUNTY
(Hw) - See Allegan County
HOUGHTON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
HURON COUNTY
Decision #AP-91 (B,H)
37 FR 28879 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(D) - See Alcona County
(Hw) - See Allegan County
INGHAM COUNTY
Decision #AP-92 (B,H)
37 FR 28844 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(Hw) - See Allegan County
(R) - See Eaton County

MICHIGAN (CONT'D)

IONIA COUNTY
(Hw) - See Allegan County
IOSCO COUNTY
(D,Hw) - See Alcona County
IRON COUNTY
(Hw) - See Alcona County
ISABELLA COUNTY
(Hw) - See Alcona County
JACKSON COUNTY
(Hw) - See Allegan County
KALMAZOO COUNTY
Decision #AP-93 (B,H)
37 FR 28847 - 12/29/72
Mod. #1 - 38 FR 5093 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(Hw) - See Allegan County
(R) - See Branch County
KALKASKA COUNTY
(Hw) - See Alcona County
KENT COUNTY
Decision #AP-23 (B,H)
37 FR 20443 - 9/29/72
Mod. #1 - 38 FR 22704 - 10/20/72
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw) - See Alcona County
LAKE COUNTY
(Hw) - See Alcona County
LAPEER COUNTY
(Hw) - See Allegan County
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw) - See Alcona County
LENAWEE COUNTY
(Hw) - See Allegan County
LIVINGSTON COUNTY
(Hw) - See Allegan County
LUCE COUNTY
(Hw,D) - See Alcona County
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw) - See Alcona County
MACOMB COUNTY
Decision #AP-600 (B,H)
37 FR 28866 - 12/29/72
Mod. #1 - 38 FR 5096 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
(D) - See Alcona County
(Hw) - See Genessee County
Decision #AP-601 (R)
37 FR 28797 - 12/29/72
Mod. #1 - 38 FR 5096 - 2/23/73
Mod. #2 - 38 FR 20173 - 7/27/73

MICHIGAN (CONT'D)

MANISTEE COUNTY
(Hw,D) - See Alcona County
MARQUETTE COUNTY
Decision #AP-94 (B,H)
37 FR 28852 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Mod. #2 - 38 FR 20171 - 7/27/73
(Hw,D) - See Alcona County
MASON COUNTY
Decision #AP-95 (B,H)
37 FR 28854 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
(Hw,D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Alcona County
MENOMINEE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
MIDLAND COUNTY
(Hw) - See Allegan County
MISSAUKEE COUNTY
(Hw) - See Alcona County
MONROE COUNTY
(D) - See Alcona County
(Hw) - See Genessee County
MONTCALM COUNTY
(Hw) - See Allegan County
(R) - See Kent County
MONTMORENCY COUNTY
(Hw) - See Alcona County
MUSKEGON COUNTY
Decision #AP-97 (B,H)
37 FR 28857 - 12/29/72
Mod. #1 - 38 FR 5094 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw) - See Allegan County
NEWAYGO COUNTY
(Hw) - See Alcona County
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genessee County
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw) - See Allegan County
OGEMAW COUNTY
(Hw) - See Alcona County
ONTONAGON COUNTY
(B,H) - See Baraga County
(Hw,D) - See Alcona County
OSCEOLA COUNTY
(Hw) - See Alcona County

MICHIGAN (Cont'd)

OSCODA COUNTY
(Hw) - See Alcona County
OTSEGO COUNTY
(Hw) - See Alcona County
OTTAWA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
(R) - See Allegan County
PRESQUE COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
ROSCOMMON COUNTY
(Hw) - See Alcona County
SAGINAW COUNTY
Decision #AP-96 (B,H)
37 FR 28876 - 12/29/73
Mod. #1 - 38 FR 5095 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
(Hw) - See Allegan County
SAINT CLAIR COUNTY
Decision #AP-98 (B,H)
Mod. #1 - 38 FR 5095 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
(D) - See Alcona County
(Hw) - See Allegan County
SAINT JOSEPH COUNTY
(Hw) - See Allegan County
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw) - See Alcona County
SHIAWASSEE COUNTY
(Hw) - See Allegan County
TUSCOLA COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
VAN BUREN COUNTY
(D) - See Alcona County
(Hw) - See Allegan County
WASHTENAW COUNTY
Decision #AP-99 (B,H)
37 FR 28863 - 12/29/72
Mod. #1 - 38 FR 5095 - 2/23/73
Mod. #2 - 38 FR 20172 - 7/27/73
(Hw) - See Genessee County
WAYNE COUNTY
(B,h,R) - See Macomb County
(D) - See Alcona County
(Hw) - See Genesee County
WEXFORD COUNTY
(Hw) - See Alcona County

MINNESOTA

AITKIN COUNTY
None
ANOKA COUNTY
Decision #AP-638 (B)
38 FR 6540 - 3/9/73
Mod. #1 - 38 FR 11213 - 5/4/73
Mod. #2 - 38 FR 30325 - 11/2/73
Decision #AP-642 (H,Hw)
38 FR 6556 - 3/9/73
Mod. #1 - 38 FR 11225 - 5/4/73
Mod. #2 - 38 FR 30327 - 11/2/73
Decision #AP-644 (R)
38 FR 6562 - 3/9/73
Mod. #1 - 38 FR 11227 - 5/4/73
Mod. #2 - 38 FR 30328 - 11/2/73
BECKER COUNTY
Decision #AP-49 (Hw)
37 FR 25097 - 11/25/72
BELTRAMI COUNTY
None
BENTON COUNTY
None
BIG STONE COUNTY
Decision #AP-50 (Hw)
37 FR 25098 - 11/25/72
BLUE EARTH COUNTTY
None
BROWN COUNTY
None
CARLTON COUNTY
None
CARVER COUNTY
Decision #AP-639 (B)
38 FR 6544 - 3/9/73
Mod. #1 - 38 FR 11216 - 5/4/73
Mod. #2 - 38 FR 30326 - 11/2/73
Decision #AP-645 (R)
38 FR 6566 - 3/9/73
Mod. #1 - 38 FR 11230 - 5/4/73
Mod. #2 - 38 FR 30329 - 11/2/73
(H,Hw) - See Anoka County

MINNESOTA (cont'd)

CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
None
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AP-643 (H,Hw)
38 FR 6559 - 3/9/73
Mod. #1 - 38 FR 11226 - 5/4/73
Mod. #2 - 38 FR 30328 - 11/2/73
Decision #AP-4 - (D)
37 FR 14670 - 7/21/72
COTTONWOOD COUNTY
None
CROW WING COUNTY
None
DAKOTA COUNTY
Decision #AP-640 (B)
38 FR 6548 - 3/9/73
Mod. #1 - 38 FR 11219 - 5/4/73
Mod. #2 - 38 FR 30326 - 11/2/73
Decision #AP-646 (R)
38 FR 6570 - 3/9/73
Mod. #1 - 38 FR 11233 - 5/4/73
Mod. #2 - 38 FR 30329 - 11/2/73
(H,Hw) - See Anoka County

MINNESOTTA (Cont'd)

DODGE COUNTY
None
DOUGLAS COUNTY
(Hw) - See Big Stone County
FAIRBAULT COUNTY
None
FILLMORE COUNTY
None
FREEBORN COUNTY
None
GOODHUE COUNTY
None
GRANT COUNTY
(Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver County
(H,Hw) - See Anoka County
HOUSTON COUNTY
None
HUBBARD COUNTY
(Hw) - See Becker County
ISANTI COUNTY
None
ITASKA COUNTY
None
JACKSON COUNTY
None
KANABEC COUNTY
None
KANDIYOHI COUNTY
(Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
None
LAC QUI PARLE COUNTY
(Hw) - See Big Stone County
LAKE COUNTY
(H,Hw) - See Cook County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
None
LE SUEUR COUNTY
None
LINCOLN COUNTY
None

MINNESOTA (cont'd)

LYON COUNTY
None
MCLEOD COUNTY
None
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
None
MEEKER COUNTY
None
MILLE LACS COUNTY
Non
MORRISON COUNTY
None
MOWER COUNTY
None
MURRAY COUNTY
None
NICOLLET COUNTY
None
NOBLES COUNTY
None
NORMAN COUNTY
None
OLMSTEAD COUNTY
None
OTTER TAIL COUNTY
(Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
None
PIPESTONE COUNTY
None
POLK COUNTY
None
POPE COUNTY
(Hw) - See Big Stone County
RAMSEY COUNTY
(R,B) - See Dakota County
(H,Hw) - See Anoka County

MINNESOTA (Cont'd)

RED LAKE COUNTY
None
REDWOOD COUNTY
None
RENVILLE COUNTY
None
RICE COUNTY
None
ROCK COUNTY
None
ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Cook County
CITY OF DULUTH
Decision #AP-641 (B)
38 FR 6552 - 3/9/73
Mod. #1-38 FR 11222 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
Mod. #5-38 FR 30327 - 11/2/73
Decision #AP-647 (R)
38 FR 6574 - 3/9/73
Mod. #1-38 FR 11236 - 5/4/73
Mod. #2-38 FR 13916 - 5/25/73
Mod. #3-38 FR 14516 - 6/1/73
Mod. #4-38 FR 15790 - 6/15/73
Mod. #5-38 FR 30330 - 11/2/73
SCOTT COUNTY
(H)(Hw)-See Anoka County
(B) - See Carver County
SHERBURNE COUNTY
None
SIBLEY COUNTY
None

MINNESOTA (cont'd)

STEARNS COUNTY
None
STEELE COUNTY
None
STEVENS COUNTY
(Hw) - See Big Stone County
SWIFT COUNTY
(Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(Hw) - See Big Stone County
WABASHA COUNTY
None
WADENA COUNTY
(Hw) - See Becker County
WASECA COUNTY
None
WASHINGTON COUNTY
(B) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(Hw) - See Becker County
WINONA COUNTY
None
WRIGHT COUNTY
None
YELLOW MEDICINE COUNTY
None

MISSISSIPPI

STATEWIDE
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
ADAMS COUNTY
Decision #AP-166 (Hw)
38 FR 6582 - 3/9/73
(D) - See Statewide
(F) - See Statewide
ALCORN COUNTY
Decision #AP-162 (Hw)
38 FR 6578 - 3/9/73
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
ATTALA COUNTY
Decision #AP-165 (Hw)
38 FR 6581 - 3/9/73
Mod. #1 - 38 FR 16586 - 6/22/73
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
BOLIVAR COUNTY
Decision #AP-163 (Hw)
38 FR 6579 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (cont'd)

CLAIBORNE COUNTY
Decision #AP-164 (Hw)
38 FR 6580 - 3/9/73
(D) - See Statewide
(F) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
COAHOMA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
GEORGE COUNTY
Decision #AP-167 (Hw)
38 FR 6583 - 3/9/73
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (cont'd)

GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
HARRISON COUNTY
Decision #AP-159 (B,H,Water & Sewer)
38 FR 4638 - 2/16/73
Mod. #1 - 38 FR 7196 - 3/16/73
Mod. #2 - 38 FR 16586 - 6/22/73
Mod. #3 - 38 FR 27164 - 9/28/73
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
(D,F) - See Statewide
(Hw) - See George County
Decision #AP-498 (R)
36 FR 16473 - 8/20/71
(D,F) - See Statewide
(Hw) - See Claiborne
HINDS COUNTY
Decision #AP-158 (B, H,)
38 FR 4636 - 2/16/73
Mod. #1 - 38 FR 7169 - 3/16/73
Mod. #2 - 38 FR 18818 - 7/13/73
Mod. #3 - 38 FR 27164 - 9/28/73
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See George County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County

MISSISSIPPI (cont'd)

JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(Hw) - See Alcorn County
LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County

MISSISSIPPI (Cont'd)

MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
PEARL RIVER COUNTY
(B,H) - See Harrison County
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Adams County

MISSISSIPPI (Cont'd)

PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Alcorn County
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Claiborne County
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Attala County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Georgia County
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Bolivar County

MISSISSIPPI (Cont'd)

TATE COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
TIPPAH COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TISHOMINGO COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
TUNICA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
UNION COUNTY
(D,F,)-See Statewide
(Hw)-See Alcorn County
WALTHALL COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WARREN COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
WASHINGTON COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
WAYNE COUNTY
(D,F)-See Statewide
(Hw)-See Adams
WEBSTER COUNTY
(D,F)-See Statewide
(Hw)-See Alcorn County
WILKINSON COUNTY
(D,F)-See Statewide
(Hw)-See Adams County
WINSTON COUNTY
(D,F)-See Statewide
(Hw)-See Attalo County
YALOBUSHA COUNTY
(D,F)-See Statewide
(Hw)-See Bolivar County
YAZOO COUNTY
(D,F)-See Statewide
(Hw)-See Claiborne County
(R)-See Hinds County

MISSOURI

ADAIR COUNTY
Decision #AQ-1 (Hw)
38 FR 18788 - 7/13/73
Mod. #1 - 38 FR 22315 - 8/17/73
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(Hw) - See Adair County
AUDRAIN COUNTY
(Hw) - See Adair County
BARRY COUNTY
(Hw) - See Adair County
BARTON COUNTY
Decision #AP-509 (B,Hw)
37 FR 21783 - 10/13/72
Mod. #1 - 38 FR 20177 - 7/27/73
Mod. #2 - 38 FR 32340 - 11/23/73
(Hw) - See Adair County
BATES COUNTY
(Hw) - See Adair County
BENTON COUNTY
(Hw) - See Adair County
BOLLINGER COUNTY
(hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(Hw) - See Adair County
BUTLER COUNTY
(Hw) - See Adair County
CALDWELL COUNTY
(Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(Hw) - See Adair County
CAMDEN COUNTY
(Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(Hw) - See Adair County
CARTER COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

CASS COUNTY
Decision AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Decision AQ-62 (R)
38 FR 32388 - 11/23/73
CEDAR COUNTY
(Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(Hw) - See Adair County
CLAY COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
CLINTON COUNTY
(Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(Hw) - See Adair County
CRAWFORD COUNTY
(Hw) - See Adair County
DADE COUNTY
(Hw) - See Adair County
DALLAS COUNTY
(Hw) - See Adair County
DAVIESS COUNTY
(Hw) - See Adair County
DE KALB COUNTY
(Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
GENTRY COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

GREENE COUNTY
(Hw) - See Adair County
HICKORY COUNTY
(Hw) - See Adair County
HOLT COUNTY
Decision #AP-506 (H,Hw)
37 FR 21774 - 10/13/72
Mod. #1 - 38 FR 20176 - 7/27/73
(D) - See Andrew County
(Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Girdeau County
(Hw) - See Adair County
JOHNSON COUNTY
(Hw) - See Adair County
KNOX COUNTY
(Hw) - See Adair County
LACLEDE COUNTY
(H,Hw) - See Barton County
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Barton County
(Hw) - See Adair County
LEWIS COUNTY
(Hw) - See Adair County
LINCOLN COUNTY
(Hw) - See Adair County
LINN COUNTY
Decision #AP-508 (H,Hw)
37 FR 21779 - 10/13/72
Mod. #1 - 37 FR 23057 - 10/27/72
Mod. #2 - 38 FR 20177 - 7/27/73
(Hw) - See Adair County
LIVINGSTON COUNTY
(Hw) - See Adair County
MC DONALD COUNTY
None
MACON COUNTY
(Hw) - See Adair County
MADISON COUNTY
(Hw) - See Adair County
MARIES COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(Hw) - See Adair County
MERCER COUNTY
(Hw) - See Adair County
MILLER COUNTY
(Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(Hw) - See Adair County
MONROE COUNTY
(Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(Hw) - See Adair county
MORGAN COUNTY
(Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(Hw) - See Adair County
NODAWAY COUNTY
(Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
OZARK COUNTY
(hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
PETTIS COUNTY
(Hw, H) - See Linn County
(Hw) - See Adair County
PHELPS COUNTY
(Hw) - See Adair county
PIKE COUNTY
(Hw) - See Adair county
PLATTE COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
R) - See Cass County
POLK COUNTY
(Hw) - See Adair County
PULASKI COUNTY
(Hw) - See Adair County
PUTNAM COUNTY
(Hw) - See Adair County
RALLS COUNTY
(Hw) - See Adair County
RANDOLPH COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

RAY COUNTY
(B,H,Hw,R) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AP-534 (B,H,Hw)
38 FR 18141 - 7/6/73
Mod. #1 - 38 FR 20177 - 7/27/73
Mod. #2 - 38 FR 28473 - 10/12/73
Mod. #3 - 38 FR 31756 - 11/16/73
(D) - See Andrew County
Decision #AP-504 (R)
37 FR 17881 - 9/1/72
Mod. #1 - 38 FR 4078 - 2/9/73
Mod. #2 - 38 FR 6524 - 3/9/73
Mod. #3 - 38 FR 13917 - 5/25/73
Mod. #4 - 38 FR 18124 - 7/6/73
Mod. #5 - 38 FR 20173 - 7/27/73
Mod. #6 - 38 FR 28473 - 10/12/73
(D) - See Cape Girardeau County
ST. CLAIR COUNTY
(Hw) - See Adair County
ST. FRANCOIS COUNTY
(Hw) - See Adair County
ST. LOUIS COUNTY
(B,H,Hw,R) - See St. Charles County
(D) - See Cape Girardeau County
ST. LOUIS COUNTY
(B,H,Hw,R) - See St. Charles County
(D) - See Andrew County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
SCHUYLER COUNTY
(Hw) - See Adair County
SCOTLAND COUNTY
(Hw) - See Adair County
SCOTT COUNTY
Decision #AP-507 (H,Hw)
37 FR 21776 - 10/13/72
Mod. #1 - 37 FR 25109 - 11/25/72
Mod. #2 - 38 FR 20176 - 7/27/73
Mod. #3 - 38 FR 32339 - 11/23/73
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County
STONE COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

SULLIVAN COUNTY
(Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(Hw) - See Adair County
WASHINGTON COUNTY
(Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AQ-1042 (H,Hw)
38 FR 27178 - 9/28/73
Mod. #1 - 38 FR 33210 - 11/30/73
BEAVERHEAD COUNTY
Decision #AQ-1038 (B)
38 FR 26574 - 9/21/73
Mod. #1 - 38 FR 33210 - 11/30/73
(Hw) - See Statewide
BIG HORN COUNTY
Decision #AQ-1041 (B)
38 FR 26583 - 9/21/73
Mod. #1 - 38 FR 29732 - 10/26/73
BLAINE COUNTY
Decision #AQ-1035 (B)
38 FR 25880 - 9/14/73
(Hw) - See Statewide
BROADWATER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
CARBON COUNTY
(H,Hw) - See Statewide
CARTER COUNTY
(Hw) - See Statewide
CASCADE COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
(R) - See Flathead County
CHOUTEAU COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
CUSTER COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DANIELS COUNTY
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
DEERLODGE COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
FALLON COUNTY
(H,Hw) - See Statewide
FERGUS COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
FLATHEAD COUNTY
(H,Hw) - See Statewide
Decision #AQ-1032 (B)
38 FR 25875 - 9/14/73
Mod. #1 - 38 FR 27711 - 10/5/73
Decision #AQ-1044 (R)
38 FR 27718 - 10/5/73

MONTANA (Cont'd)

GALLATIN COUNTY
(B) - See Beaverhead County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Blaine County
GLACIER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
GOLDEN VALLEY COUNTY
(H,Hw) - See Statewide
GRANITE COUNTY
(H,Hw) - See Statewide
HILL COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
(R) - See Flathead County
JEFFERSON COUNTY
(H,Hw) - See Statewide
JUDITH BASIN COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LAKE COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
LEWIS & CLARK COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LIBERTY COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
LINCOLN COUNTY
(h,Hw) - See Statewide
(B) - See Flathead County
MC CONE COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MEAGHER COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
MINERAL COUNTY
(H,Hw) - See Statewide
MISSOURLA COUNTY
(H,Hw) - See Statewide
(B) - See Flathead County
MUSSELSHELL COUNTY
(H,Hw) - See Beaverhead County
PARK COUNTY
(H,Hw) - See Statewide
PETROLEUM COUNTY
(H,Hw) - See Statewide
PHILLIPS COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County

MONTANA (Cont'd)

PONDERA COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
POWDER RIVER COUNTY
(H,Hw) - See Statewide
POWELL COUNTY
(H,Hw) - See Statewide
PRARIE COUNTY
(H,Hw) - See Statewide
RAVALLI COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROOSEVELT COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
ROSEBUD COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County
SANDERS COUNTY
(H,Hw) - See Statewide
(R) - See Flathead County
SHERIDAN COUNTY
(H,Hw) - See Blaine County
SILVERBOW COUNTY
(B) - See Beaverhead County
Decision AQ-1060 (R)
38 FR 33251 - 11/30/73
(H,Hw) - See Statewide
STILLWATER COUNTY
(H,Hw) - See Statewide
SWEETGRASS COUNTY
(H,Hw) - See Statewide
TETON COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TOOLE COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
TREASURE COUNTY
(Hw,H) - See Statewide
VALLEY COUNTY
(B) - See Blaine County
(H,Hw) - See Statewide
(R) - See Flathead County
WHEATLAND COUNTY
(H,Hw) - See Statewide
(B) - See Blaine County
WIBAUX COUNTY
(H,Hw) - See Statewide
YELLOW STONE COUNTY
(H,Hw) - See Statewide
(B) - See Big Horn County

NEBRASKA

ADAMS COUNTY
Decision #AP-525 (Hw)
38 FR 9413 - 4/13/73
Mod. #1 - 38 FR 13116 - 5/18/73
Mod. #2 - 38 FR 13917 - 5/25/73
Mod. #3 - 38 FR 18126 - 7/6/73
Mod. #4 - 38 FR 23658 - 8/31/73
Mod. #5 - 38 FR 29146 - 10/19/73
ANTELOPE COUNTY
(Hw) - See Adams County
ARTHUR COUNTY
(Hw) - See Adams County
BANNER COUNTY
(Hw) - See Adams County
BLAINE COUNTY
(Hw) - See Adams County
BOONE COUNTY
(Hw) - See Adams County
BOX BUTTE COUNTY
(Hw) - See Adams County
BOYD COUNTY
(Hw) - See Adams County
BROWN COUNTY
(Hw) - See Adams County
BUFFALO COUNTY
(Hw) - See Adams County
BURT COUNTY
(Hw) - See Adams County
BUTLER COUNTY
(Hw) - See Adams County
CASS COUNTY
(Hw) - See Adams County
CEDAR COUNTY
(Hw) - See Adams County
CHASE COUNTY
(Hw) - See Adams County
CHERRY COUNTY
(Hw) - See Adams County
CHEYENNE COUNTY
(Hw) - See Adams County
CLAY COUNTY
(Hw) - See Adams County
COLFAX COUNTY
(Hw) - See Adams County
CUMING COUNTY
(Hw) - See Adams County
CUSTER COUNTY
(Hw) - See Adams County
DAKOTA COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

DAWES COUNTY
(Hw) - See Adams County
DAWSON COUNTY
(Hw) - See Adams County
DEUEL COUNTY
(Hw) - See Adams County
DIXON COUNTY
(Hw) - See Adams County
DODGE COUNTY
(Hw) - See Adams County
DOUGLAS COUNTY
Decision AQ-63 (B,H,Hw)
38 FR 33895 - 12/7/73
Decision #AQ-25 (R)
38 FR 24540 - 9/7/73
Mod. #1 - 38 FR 31099 - 11/9/73
Mod. #2 - 38 FR 33879 - 12/7/73
DUNDY COUNTY
(Hw) - See Adams County
FILLMORE COUNTY
(Hw) - See Adams County
FRANKLIN COUNTY
(Hw) - See Adams County
FRONTIER COUNTY
(Hw) - See Adams County
FURNAS COUNTY
(Hw) - See Adams County
GAGE COUNTY
(Hw) - See Adams County
GARDEN COUNTY
(Hw) - See Adams County
GARFIELD COUNTY
(Hw) - See Adams County
GOSPER COUNTY
(Hw) - See Adams County
GRANT COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

GREELEY COUNTY
(Hw) - See Adams County
HALL COUNTY
Decision #AQ-24 - (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(Hw) - See Adams County
HAMILTON COUNTY
(Hw) - See Adams County
HARLAN COUNTY
(Hw) - See Adams County
HAYES COUNTY
(Hw) - See Adams County
HITCHCOCK COUNTY
(Hw) - See Adams County
HOLT COUNTY
(Hw) - See Adams County
HOOKER COUNTY
(Hw) - See Adams County
HOWARD COUNTY
(Hw) - See Adams County
JEFFERSON COUNTY
(Hw) - See Adams County
JOHNSON COUNTY
(Hw) - See Adams County
KEARNEY COUNTY
(Hw) - See Adams County
KEITH COUNTY
(Hw) - See Adams County
KEYAPAHA COUNTY
(Hw) - See Adams County
KIMBALL COUNTY
(Hw) - See Adams County
KNOX COUNTY
(Hw) - See Adams County
LANCASTER COUNTY
Decision #AP-522 (B)
38 FR 8391 - 3/30/73
Mod. #1 - 38 FR 14534 - 6/1/73
Mod. #2 - 38 FR 16588 - 6/22/73
Mod. #3 - 38 FR 27711 - 10/5/73
Mod. #4 - 38 FR 29146 - 10/19/73
Mod. #5 - 38 FR 33210 - 11/30/73
Decision #AM-6,140 (R)
36 FR 21736 - 11/12/71
LINCOLN COUNTY
(Hw) - See Admas County
LOGAN COUNTY
(Hw) - See Adams County
LOUP COUNTY
(Hw) - See Adams County
MC PHERSON COUNTY
(Hw) - See Admas County
MADISON COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

MERRICK COUNTY
(Hw) - See Adams County
MORRILL COUNTY
(Hw) - See Adams County
NANCE COUNTY
(Hw) - See Adams County
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw) - See Adams County
NUCKOLLS COUNTY
(Hw) - See Adams County
OTOE COUNTY
(Hw) - See Adams County
PAWNEE COUNTY
(Hw) - See Adams County
PERKINS COUNTY
(Hw) - See Adams County
PHELPS COUNTY
(Hw) - See Adams County
PIERCE COUNTY
(Hw) - See Adams County
PLATTE COUNTY
(Hw) - See Adams County
POLK COUNTY
(Hw) - See Adams County
RED WILLOW COUNTY
(Hw) - See Adams County
RICHARDSON COUNTY
(D) - See Neemaha County
(Hw) - See Adams County
ROCK COUNTY
(Hw) - See Adams County
SALINE COUNTY
(Hw) - See Adams County
SARPY COUNTY
(B-H-Hw) - See Douglas County
SAUNDERS COUNTY
(Hw) - See Adams County
SCOTTS BLUFF COUNTY
(Hw) - See Adams County
SEWARD COUNTY
(Hw) - See Adams County
SHERIDAN COUNTY
(Hw) - See Adams County
SHERMAN COUNTY
(Hw) - See Adams County
SIOUX COUNTY
(Hw) - See Adams County

NEBRASKA (Cont'd)

STANTON COUNTY
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AP-264 (H,Hw)
38 FR 6584 - 3/9/73
Mod. #1 - 38 FR 15212 - 6/8/73
Mod. #2- 38 FR 17351 - 6/29/73
Mod. #3 - 38 FR 26548 - 9/21/73
Mod. #4 - 38 FR 29733 - 10/26/73
Mod. #5 - 38 FR 31759 - 11/16/73
CHURCHILL COUNTY
(H,Hw) - See Statewide
Decision #AQ-1036 (B)
38 FR 25888 - 9/14/73
Mod. #1 - 38 FR 31759 - 11/16/73
CLARK COUNTY
Decision #AP-290 (R) (Excluding the Nevada Test Site)
38 FR 8914 - 4/6/73
Mod. #1 - 38 FR 17352 - 6/29/73
Mod. #2 - 38 FR 26549 - 9/21/73
Mod. #3 - 38 FR 29737 - 10/26/73
Mod. #4 - 38 FR 31759 - 11/16/73
Decision #AP-266 (B) Excluding the Nevada Test Site)
38 FR 8395 - 3/30/73
Mod. #1 - 38 FR 17351 - 6/29/73
Mod. #2 - 38 FR 26548 - 9/21/73
Mod. #3 - 38 FR 29735 - 10/26/73
Mod. #4 - 38 FR 31759 - 11/16/73
(H,Hw) - See Statewide
Decision #AP-912 (B,H,Hw) (Nevada Test Site including the Tonopah Test Range
38 FR 17421 - 6/29/73
Mod. #1 - 38 FR 20181 - 7/27/73
Mod. #2 - 38 FR 29739 - 10/26/73
DOUGLAS COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ELKO COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
ESMERALDA COUNTY
(H,Hw) - See Statewide
EUREKA COUNTY
(H,Hw) - See Statewide

NEVADA (Cont'd)

HUMBOLDT COUNTY
(H,Hw) - See Statewide
LANDER COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(B) - See Clark County (AP-266)
(H,Hw) - See Statewide
LYON COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
MINERAL COUNTY
(H,Hw) - See Statewide
(B) - See Churchill County
NYE COUNTY
(B) - See Clark County (#AP-266)
(B,H,Hw) - See Clark County (#AP-282)
(H,Hw) - See Statewide
ORMSBY COUNTY
(B) - See Churchill County
(H,Hw) - See Statewide
PERSHING COUNTY
(H,Hw) - See Statewide
STOREY COUNTY
(H,Hw) - See Statewide
WASHOE COUNTY
Decision #AP-269 (R)
38 FR 7190 - 3/16/73
Mod. #1 - 38 FR 15216 - 6/8/73
Mod. #2 - 38 FR 17351 - 6/29/73
Mod. #3 - 38 FR 26549 - 9/21/73
Mod. #4 - 38 FR 31759 - 11/16
(H,Hw) - See Statewide
(B) - See Churchill County
WHITE PINE COUNTY
(H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AQ-3029 (B)
38 FR 30362 - 11/2/73
Decision AQ-3033 (R)
38 FR 31130 - 11/9/73
MERRIMACK COUNTY
None
ROCKINGHAM COUNTY
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
Decision #AQ-3030 (B)
38 FR 30365 - 11/2/73
Decision AQ-3034 (R)
38 FR 31132 - 11/9/73
STRAFFORD COUNTY
None
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AP-809 (B,H,Hw)
38 FR 12561 - 5/11/73
Mod. #1 - 38 FR 21705 - 8/10/73
Mod. #2 -38 FR 22853 - 8/24/73
Mod. #3 - 38 FR 31760 - 11/16/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BERGEN COUNTY
Decision #AP-810 (B,H,Hw)
38 FR 12567 - 5/11/73
Mod. #1 - 38 FR 21705 - 8/10/73
Mod. #2 - 38 FR 31760 - 11/16/73
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AP-829 (B,H,Hw)
38 FR 13272 - 5/18/73
Mod. #1 - 38 FR 21707 - 8/10/73
Mod. #2 - 38 FR 29740 - 10/26/73
Mod. #3 - 38 FR 31762 - 11/16/73
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AP-836 (B,H,Hw)
38 FR 13951 - 5/25/73
Mod. #1 - 38 FR 21014 - 8/3/73
Mod. #2 - 38 FR 31762 - 11/16/73
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AP-837 (B,H,Hw)
38 FR 13957 - 5/25/73
Mod. #1 - 38 FR 31763 - 11/16/73
(D) - See Atlantic County
ESSEX COUNTY
Decision #AP-826 (B,H,Hw)
38 FR 13252 - 5/18/73
Mod. #1 - 38 FR 21705 - 8/10/73
Mod. #2 - 38 FR 31761 - 11/16/73
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AP-828 (B,H,Hw)
38 FR 13265 - 5/18/73
Mod. #1 - 38 FR 18126 - 7/6/73
Mod. #2 - 38 FR 31761 - 11/16/73
(D) - See Atlantic County
HUNTERDON COUNTY
None
MERCER COUNTY
Decision #AP-827 (B,H,Hw)
38 FR 13258 - 5/18/73
Mod. #1 - 38 FR 21706 - 8/10/73
(D) - See Atlantic County

NEW JERSEY (Cont'd)

MIDDLESEX COUNTY
Decision #AP-838 (B,H,Hw)
38 FR 13963 - 5/25/73
Mod. #1 - 38 FR 31763 - 11/16/73
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AP-839 (B,H,Hw)
38 FR 13971 - 5/25/73
Mod. #1 - 38 FR 31764 - 11/16/73
(D) - See Atlantic County
MORRIS COUNTY
Decision #AP-840 (B,H,Hw)
38 FR 13978 - 5/25/73
Mod. #1 - 38 FR 31765 - 11/16/73
(D) - See Atlantic County
OCEAN COUNTY
Decision #AP-841 (B,H,Hw)
38 FR 13985 - 5/25/73
Mod. #1 - 38 FR 31766 - 11/16/73
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AM-1,718 (B,H,Hw)
36 FR 14885 - 8/11/71
Mod. #1-36 FR 20080 - 10/15/71
Mod. #2-37 FR 971 - 1/21/72
Mod. #3 - 37 FR 5662 - 3/17/72
Mod. #4 - 37 FR 6137 - 3/24/72
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AM-1,719 (B,H,Hw)
36 FR 14892 - 8/11/71
Mod. #1 - 36 FR 19285 - 10/1/71
Mod. #2 - 36 FR 20080 - 10/15/71
Mod. #3 - 37 FR 972 - 1/21/72
Mod. #4 - 37 FR 6137 - 3/24/72
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AP-846 (B,Hw,H)
38 FR 15333 - 6/8/73
Mod. #1 - 38 FR 31766 - 11/16/73
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Decision #AQ-35 (Building & Heavy Engineering Construction
38 FR 28529 - 10/12/73
Mod. #1 - 38 FR 29470 - 10/26/73
Mod. #2 - 38 FR 30330 - 11/2/73
Mod. #3 - 38 FR 31767 - 11/16/73
Mod. #4 - 38 FR 33211 - 11/30/73
Mod. #5 - 38 FR 33880 - 12/7/73
BERNALILLO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CATRON COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CHAVES COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
COLFAX COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
CURRY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
DONA ANA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GRANT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
GUADALUPE COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HARDING COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
HIDALGO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LEA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LINCOLN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LOS ALAMOS COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
LUNA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
McKINLEY COUNTY
(B,HE,S,Hw,U,LE) - See STatewide
MORA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW MEXICO (Cont'd)

OTERO COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
QUAY COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
RIO ARRIBA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
ROOSEVELT COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANDOVAL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN JUAN COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SAN MIGUEL COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
SANTA FE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SIERRA COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
SOCORRO COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TAOS COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
TORRANCE COUNTY
(B,HE,S,Hw,U,LE)-See Statewide
UNION COUNTY
(B,HE,S,Hw,U,LE) - See Statewide
VALENCIA COUNTY
(B,HE,S,Hw,U,LE) - See Statewide

NEW YORK

ALBANY COUNTY
Decision #AP-452 (H,B,Hw).
37 FR 26782 - 12/15/72
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18819 - 7/13/73
Mod. #3 - 38 FR 21016 - 8/3/73
Mod. #4 - 38 FR 26549 - 9/21/73
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AP-487 (B,H,Hw)
38 FR 6608 - 3/9/73
Mod. #1 - 38 FR 8872 - 4/6/73
Mod. #2 - 38 FR 12514 - 5/11/73
Mod. #3 - 38 FR 22854 - 8/24/73
Decision #AP-400 (R)
37 FR 13913 - 7/14/72
Mod. #1 - 37 FR 23510 - 11/3/72
Mod. #2 - 38 FR 5097 - 2/23/73
Mod. #3 - 38 FR 12514 - 5/11/73
Mod. #4 - 38 FR 22854 - 8/24/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/73
BROOME COUNTY
Decision #AP-469 (B,H,Hw)
38 FR 4169 - 2/9/73
Mod. #1 - 38 FR 9397 - 4/13/73
Mod. #2 - 38 FR 18126 - 7/6/73
Mod. #3 - 38 FR 21022 - 8/3/73
Mod. #4 - 38 FR 22854 - 8/24/73
Mod. #5 - 38 FR 24491 - 9/7/73
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
CHAUTAUGUA COUNTY
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None

NEW YORK (Cont'd)

CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None
DUTCHESS COUNTY
Decision AQ-2028 (B,H,Hw)
36 FR 31135 - 11/9/73
(D) - See Bronx County
ERIE COUNTY
Decision #AP-800 (B,H,Hw)
38 FR 8404 - 3/30/73
Mod. #1 - 38 FR 9398 - 4/13/73
Mod. #2 - 38 FR 18820 - 7/13/73
Mod. #3 - 38 FR 22854 - 8/24/73
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AP-807 (B,H,Hw)
38 FR 12582 - 5/11/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 38 FR 21023 - 8/3/73
(D) - See Cayuga County

NEW YORK (Cont'd)

KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None
MONROE COUNTY
Decision #AP-453 (B,H,Hw)
37 FR 28380-12/22/72
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 38 FR 21018 - 8/3/73
Mod. #3 - 38 FR 29147 - 10/19/73
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AQ-2001 (B,H,Hw)
38 FR 18845 - 7/13/73
Mod. #1 - 38 FR 24491 - 9/7/73
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AM-1,729 (B,H,Hw)
36 FR 14950 - 8/11/71
Mod. #1-36 FR 19651 - 10/8/71
Mod. #2-36 FR 20462 - 10/22/71
Mod. #3-37 FR 973 - 1/21/72
Mod. #4-37 FR 6612 - 3/31/72
(D) - See Cayuga County

NEW YORK (Cont'd)

ONEIDA COUNTY
Decision #AP-844 (B,H,Hw) (Cont'd)
38 FR 15341 - 6/8/73
Mod. #1 - 38 FR 18822 - 7/13/73
Mod. #2 - 38 FR 21026 - 8/3/73
Mod. #3 - 38 FR 29149 - 10/19/73
ONONDAGA COUNTY
Decision #AP-808 (B,H,Hw)
38 FR 12587 - 5/11/73
Mod. #1 - 38 FR 18821 - 7/13/73
Mod. #2 - 38 FR 21025 - 8/3/73
Mod. #3 - 38 FR 29148 - 10/19/73
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15346 - 6/8/73
Mod. #1 - 38 FR 18820 - 7/13/73
(D) - See Bronx County
ORLEANS COUNTY
(D) - See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None
PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AP-860 (B,H,Hw)
38 FR 18160 - 7/6/73
Mod. #1 - 38 FR 21030 - 8/3/73
Mod. #2 - 38 FR 22854 - 8/24/73
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County

NEW YORK (cont'd)

ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AP-451 (B,H,Hw)
37 FR 25099 - 11/25/72
Mod. #1 - 38 FR 21014 - 8/3/73
SCHENECTADY COUNTY
Decision #AP-859 (B,H,Hw)
38 FR 18156 - 7/6/73
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AP-486 (B,H,Hw)
38 FR 6516 - 3/9/73
Mod. #1 - 38 FR 20184 - 7/27/73
SUFFOLK COUNTY
Decision #AM-1,735 (B,H,Hw)
36 FR 14890 - 8/11/71
Mod. #1 - 36 FR 18988 - 9/24/71
Mod. #2 - 37 FR 4021 - 2/2 /72
Mod. #3 - 37 FR 22706 - 10/20/72
Mod. #4 - 37 FR 23973 - 11/10/72
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None
TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AM-1,736 (B,H,Hw)
36 FR 14985 - 8/11/71
Mod. #1-36 FR 19652 - 10/8/71
Mod. #2-36 FR 20463 - 10/22/71
Mod. #3-37 FR 974 - 1/21/72
Mod. #4-37 FR 6613 - 3/31/72
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AM-1847 (Hw)
36 FR 16474 - 8/20/71
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
(Sewer & Water, Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water,Hw) - See Statewide
ANSON COUNTY
(Sewer & Water,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water,Hw) - See Statewide
AVERY COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERTIE COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
BUNCOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
BURKE COUNTY
(Sewer & Water,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water,Hw) - See Statewide
CARTERET COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water,Hw) - See Statewide
CATAWBA COUNTY
(Sewer & Water,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHOWAN COUNTY
(Sewer & Water) - See Statewide
(D) - See Beaufort County
(Hw) - See Statewide
CLAY COUNTY
(Sewer & Water,Hw) - See Statewide
CLEVELAND COUNTY
(Sewer & Water,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water,Hw) - See Statewide
CRAVEN COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
(Sewer & Water,Hw) - See Statewide
CURRITUCK COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water,Hw) - See Statewide
DURHAM COUNTY
(Sewer & Water,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water,Hw) - See Statewide
FORSYTH COUNTY
(Sewer & Water,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water,Hw) - See Statewide
GASTON COUNTY
(Sewer & Water,Hw) - See Statewide
GATES COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water,Hw) - See Statewide
GUILFORD COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

HALIFAX COUNTY
(Sewer & Water,Hw) - See Statewide
HARNETT COUNTY
(Sewer & Water,Hw) - See Statewide
HAYWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
HOKE COUNTY
(Sewer & Water,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water,Hw) - See Statewide
JONES COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water,Hw) - See Statewide
LINCOLN COUNTY
(Sewer & Water,Hw) - See Statewide
MCDOWELL COUNTY
(Sewer & Water,Hw) - See Statewide
MACON COUNTY
(Sewer & Water,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water,Hw) - See Statewide
MECKLENBURG COUNTY
Decision #AP-161 (B)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water,Hw) - See Statewide
MONTGOMERY COUNTY
(Sewer & Water,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water,Hw) - See Statewide
NASH COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

NEW HANOVER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, Hw) - See Statewide
ONSLOW COUNTY
(D) - See Beaufort County
(Sewer & Water, Hw) - See Statewide
ORANGE COUNTY
(Sewer & Water, Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, Hw) - See Statewide
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, Hw) - See Statewide
PENDER COUNTY
(D) - See Beaufort County
(Sewer & Water, Hw) - See Statewide
PERQUIMANS COUNTY
(D) - See Beaufort County
(Sewer & Water, Hw) - See Statewide
PERSON COUNTY
(Sewer & Water, Hw) - See Statewide
PITT COUNTY
(Sewer & Water, Hw) - See Statewide
POLK COUNTY
(Sewer & Water, Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, Hw) - See Statewide
RICHMOND COUNTY
(Sewer & Water, Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, Hw) - See Statewide
ROWAN COUNTY
(Sewer & Water, Hw) - See Statewide
RUTHERFORD COUNTY
(Sewer & Water, Hw) - See Statewide
SAMPSON COUNTY
(Sewer & Water, Hw) - See Statewide
SCOTLAND COUNTY
(Sewer & Water, Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, Hw) - See Statewide

NORTH CAROLINA (Cont'd)

STOKES COUNTY
(Sewer & Water,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water,Hw) - See Statewide
SWAIN COUNTY
(Sewer & Water,Hw) - See Statewide
TRANSYLVANIA COUNTY
(Sewer & Water,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water,Hw) - See Statewide
WAKE COUNTY
Decision AQ-4032 (B)
38 FR 31093 - 11/9/73
(Sewer & Water,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
WATAUGA COUNTY
(Sewer & Water,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water,Hw) - See Statewide
WILKES COUNTY
(Sewer & Water,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water,Hw) - See Statewide
YADKIN COUNTY
(Sewer & Water,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 18849 - 7/13/73
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY,
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision AQ-1066 (B)
38 FR 33899 - 12/7/73
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
ROLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

ADAMS COUNTY
Decision #AP-602 (D)
38 FR 1433-1/12/73
ALLEN COUNTY
None
ASHLAND COUNTY
None
ASHTABULA COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
ATHENS COUNTY
(D) - See Adams County
AUGLAIZE COUNTY
None
BELMONT COUNTY
None
BROWN COUNTY
(D) - See Adams County
BUTLER COUNTY
Decision #AP-669 (B)(H,Hw)
38 FR 13991 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
CARROLL COUNTY
None
CHAMPAIGN COUNTY
None
CLARK COUNTY
Decision #AP-670 (B,H,Hw)
38 FR 13996 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22316 - 8/17/73
Mod. #3 - 38 FR 27712 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30334 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Decision #AP-684 (R)
38 FR 14049 - 5/25/73
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(D) - See Adams County
CLINTON COUNTY
None
COLUMBIANA COUNTY
None
COSHOCTON COUNTY
None
CRAWFORD COUNTY
None
CUYAHOGA COUNTY
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73

OHIO (Cont'd)

CUYAHOGA COUNTY (CONT'D)
Decision #AP-671 (B,H,Hw)
38 FR 14000 - 5/25/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
Decision #AP-686 (R)
38 FR 14050 - 5/25/73
Mod. #1 - 38 FR 14537 - 6/1/73
Mod. #2 - 38 FR 22319 - 8/17/73
Mod. #3 - 38 FR 27716 - 10/5/73
Mod. #4 - 38 FR 31100 - 11/9/73
DARKE COUNTY
None
DEFIANCE COUNTY
None
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
ERIE COUNTY
(D) - See Ashtabula County
FAIRFIELD COUNTY
(R) - See Delaware County
FAYETTE COUNTY
None
FRANKLIN COUNTY
Decision #AP-672 (B,H,Hw)
38 FR 14004 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30335 - 11/2/73
(D) - See Delaware County
FULTON COUNTY
None
GALLIA COUNTY
(D) - See Adams County
GEAUGA COUNTY
None
GREENE COUNTY
Decision #AP-673 (B,H,Hw)
38 FR 14008 - 5/25/73
Mod. #1 - 38 FR 14535 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30336 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1-37 FR 8619 - 4/28/72
GUERNSEY COUNTY
None
HAMILTON COUNTY
Decision #AQ-3022 (B,H,Hw)
38 FR 27726 - 10/5/73
Mod. #1 - 38 FR 30340 - 11/2/73

OHIO (Cont'd)

HAMILTON COUNTY CONT'D.
Mod. #2 - 38 FR 31101 - 11/9/73
(D) - See Adams County
(R) - See Clermont County
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HIGHLAND COUNTY
None
HOCKING COUNTY
None
HOLMES COUNTY
None
HURON COUNTY
None
JACKSON COUNTY
None
JEFFERSON COUNTY
None
KNOX COUNTY
None
LAKE COUNTY
(D) - See Ashtabula County
LAWRENCE COUNTY
(D) - See Adams County
LICKING COUNTY
Decision #AP-675 (B,Hw,H)
38 FR 14017 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22317 - 8/17/73
Mod. #3 - 38 FR 27713 - 10/5/73
Mod. #4 - 38 FR 30336 - 11/2/73
(R) - See Delaware County
LOGAN COUNTY
None
LORAIN COUNTY
(D) - See Ashtabula County
LUCAS COUNTY
Decision #AQ-3036 (B,H,Hw)
38 FR 31142 - 11/9/73
(D) - See Ashtabula County
MADISON COUNTY
(R) - See Delaware County
MAHONING COUNTY
Decision #AP-687 (R)
38 FR 13903 - 5/25/73
Mod. #1 - 38 FR 22319 - 8/17/73
Mod. #2 - 38 FR 27716 - 10/5/73
Mod. #3 - 38 FR 31100 - 11/9/73
Decision #AP-677 (B,H,Hw)
38 FR 14026 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30337 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73

OHIO (Cont'd)

MARION COUNTY
None
MEDINA COUNTY
None
MEIGS COUNTY
(D) - See Adams County
MERCER COUNTY
None
MIAMI COUNTY
(R) - See Greene County
MONROE COUNTY
(D) - See ADams County
MONTGOMERY COUNTY
(B,H,Hw) - See Greene County
(R) - See Greene County
MORGAN COUNTY
None
MORROW COUNTY
None
MUSKINGUM COUNTY
Decision #AP-678 (B,H,Hw)
38 FR 14029 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 30338 - 11/2/73
Mod. #5 - 38 FR 31100 - 11/9/73
NOBLE COUNTY
None
OTTAWA COUNTY
(D) - See Ashtabula County
PAULDING COUNTY
None
PERRY COUNTY
None
PICKAWAY COUNTY
(B,H,Hw) - See Franklin County
(R) - See Delaware County
PIKE COUNTY
None
PORTAGE COUNTY
Decision #AP-679 (B,H,Hw)
38 FR 14033 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27714 - 10/5/73
Mod. #4 - 38 FR 29741 - 10/26/73
Mod. #5 - 38 FR 30338 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
PREBLE COUNTY
(R) - See Greene County
PUTNAM COUNTY
None

OHIO (Cont'd)

RICHLAND COUNTY
None
ROSS COUNTY
None
SANDUSKY COUNTY
(D) - See Ashtabula County
SCIOTO COUNTY
(D) - See Adams County
SENECA COUNTY
NOne
SHELBY COUNTY
None
STARKE COUNTY
Decision #AQ-3037 (B,H,Hw)
38 FR 31147 - 11/9/73
SUMMITT COUNTY
Decision #AP-681 (B,H,Hw)
38 FR 14042 - 5/25/73
Mod. #1 - 38 FR 14536 - 6/1/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27715 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
Mod. #5 - 38 FR 30339 - 11/2/73
Mod. #6 - 38 FR 31100 - 11/9/73
TRUMBULL COUNTY
Decision #AP-688 (R(
38 FR 13905 - 5/25/73
Mod. #1 - 38 FR 22319 - 8/17/73
Mod. #2 - 38 FR 27716 - 10/5/73
Decision #AP-682 (B,H,Hw)
38 FR 14047 - 5/25/73
Mod. #1 - 38 FR 15792 - 6/15/73
Mod. #2 - 38 FR 22318 - 8/17/73
Mod. #3 - 38 FR 27715 - 10/5/73
Mod. #4 - 38 FR 30340 - 11/2/73
TUSCARAWAS COUNTY
None
UNION COUNTY
None
VAN WERT COUNTY
None
VINTON COUNTY
None
WARREN COUNTY
(R) - See Butler County
WASHINGTON COUNTY
(D) - See Adams County
WAYNE COUNTY
None
WILLIAMS COUNTY
None
WOOD COUNTY
None
WYANDOT COUNTY
None

OKLAHOMA

ADAIR COUNTY
Decision #AM-3603 (Hw)
36 FR 16761 - 8/25/71
ALFALFA COUNTY
DEcision #AM-3608 (Hw)
36 FR 16766 - 8/25/71
ATOKA COUNTY
Decision #AM-3604 (Hw)
36 FR 16763 - 8/25/71
BEAVER COUNTY
(Hw)-See Alfalfa County
BECKHAM COUNTY
DECISION #AM-3606 (Hw)
36 FR 16764 - 8/25/71
BLAINE COUNTY
(Hw)-See Beckham County
BRYAN COUNTY
(Hw)-See Atoka County
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
Decision #AM- 3609 (hw)
36 FR 16767 - 8/25/71
CANADIAN COUNTY
Decision #AM-3607 (Hw)
36 FR 16765 - 8/25/71
(B) - See Oklahoma County
(R)-See Oklahoma County
CARTER COUNTY
(Hw)-See Caddo County
CHEROKEE COUNTY
(Hw)-See Adair County
CHOCTAW COUNTY
(hw)-See Atoka County
CIMARRON COUNTY
(Hw)-See Alfalfa County
CLEVELAND COUNTY
Decision #AM-3605 (Hw)
36 FR 16762 - 8/25/71
(R)-See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(Hw)-See Cleveland County
COMANCHE COUNTY
(Hw)-See Caddo County
Decision #AP-741 (R)
COTTON COUNTY
(Hw)-See Caddo County
CRAIG COUNTY
Decision #AM-3610 (Hw)
36 FR 16768 - 8/25/72
CREEK COUNTY
(Hw)-See Canadian County
CUSTER COUNTY
(Hw)-See Beckham County

OKLAHOMA (cont'd)

DELAWARE COUNTY
(Hw) - See Craig County
DEWEY COUNTY
(Hw)-See Beckham County
ELLIS COUNTY
(Hw)-See Alfalfa County
GARFIELD COUNTY
(Hw)-See Canadian County
GARVIN COUNTY
(Hw)-See Cleveland County
GRADY COUNTY
(Hw)-See Caddo County
GRANT COUNTY
(Hw)-See Canadian County
GREER COUNTY
(Hw)-See Beckham County
HARMON COUNTY
(Hw)-See Beckham County
HARPER COUNTY
(Hw)-See Alfalfa County
HASKELL COUNTY
(Hw)-See Adair County
HUGHES COUNTY
(Hw)-See Cleveland County
JACKSON COUNTY
(Hw)-See Beckham County
JEFFERSON COUNTY
(Hw)-See Caddo County
JOHNSTON COUNTY
(Hw)-See Cleveland County
KAY COUNTY
(Hw)-See Canadian County
KINGFISHER COUNTY
(Hw)-See Canadian County
KIOWA COUNTY
(Hw)-See Beckham County
LATIMER COUNTY
(Hw)-See Atoka County
LEFLORE COUNTY
(Hw)-See Atoka County
LINCOLN COUNTY
(Hw)-See Canadian County)
(R)-See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(Hw)-See Canadian County
LOVE COUNTY
(hw)-See Caddo County
MCCLAIN COUNTY
(Hw)-See Cleveland County
MCCURTAIN COUNTY
(Hw)-See Atoka County

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(Hw) - See Adair County
MAJOR COUNTY
(Hw) - See Alfalfa County
MARSHALL COUNTY
(Hw) - See Atoka County
MAYES COUNTY
(Hw) - See Craig County
MURRAY COUNTY
(Hw) - See Cleveland County
MUSKOGEE COUNTY
(Hw) - See Adair County
NOBLE COUNTY
(Hw) - See Canadian County
NOWATA COUNTY
(Hw) - See Craig County
OKFUSKEE COUNTY
(Hw) - See Cleveland County
OKLAHOMA COUNTY
Decision #AQ-22 (B)
38 FR 23735 - 8/31/73
Mod. #1 - 38 FR 277166 - 9/28/73
Mod. #2 - 38 FR 29150 - 10/19/73
Mod. #3 - 38 FR 33211 - 11/30/73
Decision #AM-3,612 (Hw)
36 FR 16770 - 8/25/71
Mod. #1 - 37 FR 1435 - 1/28/72
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1-37 FR 28799-12/29/72
Mod. #2-38 FR 4078-2/9/73
OKMULGEE COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(Hw) - See Craig County
(R) - See Tulsa County
OTTAWA COUNTY
(Hw) - See Craig County
PAWNEE COUNTY
(Hw) - See Craig County
PAYNE COUNTY
(Hw) - See Canadian County
PITTSBURG COUNTY
(Hw) - See Adair County

OKLAHOMA (Cont'd)

PONTOTOC COUNTY
(Hw) - See Cleveland County
POTTAWATOMIE COUNTY
(Hw) - See Cleveland County
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(Hw) - See Atoka County
ROGER MILLS COUNTY
(Hw) - See Beckham County
ROGERS COUNTY
(Hw) - See Craig County
SEMINOLE COUNTY
(Hw) - See Cleveland County
SEQUOYAH COUNTY
(Hw) - See Adair County
STEPHENS COUNTY
(Hw) - See Caddo County
TEXAS COUNTY
(Hw) - See Alfalfa County
TILLMAN COUNTY
(Hw) - See Beckham County
TULSA COUNTY
Decision #AQ-64 (B)
38 FR 33904 - 12/7/73
Decision #AM-3611 (Hw)
36 FR 16769 - 8/25/71
Mod. #1-37 FR 1435 - 1/28/72
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(Hw) - See Adair County
WASHINGTON COUNTY
(Hw) - See Craig County
WASHITA COUNTY
(Hw) - See Beckham County
WOODS COUNTY
(Hw) - See Alfalfa County
WOODWARD COUNTY
(Hw) - See Alfalfa County

OREGON

STATEWIDE
Decision #AQ-1022 (B,H,Hw,D)
38 FR 24522 - 9/7/73
Mod. #1 - 38 FR 26550 - 9/21/73
Mod. #2 - 38 FR 27716 - 10/5/73
Mod. #3 - 38 FR 29150 - 10/19/73
Mod. #4 - 38 FR 32343 - 11/23/73
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD COUNTY
(Hw,H,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide

OREGON CONT'd)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,hw,D) - See Statewide
MULTNOMAH COUNTY
Decision #AQ-1053 (R)
38 FR 31152 - 11/9/73
Mod. #1 - 38 FR 32343 - 11/23/73
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

PENNSYLVANIA

ADAMS COUNTY
Decision #AP-489 (H,Hw)
38 FR 6622 - 3/9/73
Mod. #1 - 38 FR 18826 - 7/13/73
ALLEGHENY COUNTY
Decision #AQ-2026 (B,H,Hw)
38 FR 29754 - 10/26/73
ARMSTRONG COUNTY
Decision #AP-831 (H,Hw)
38 FR 14055 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
Mod. #2 - 38 FR 22856 - 8/24/73
BEAVER COUNTY
Decision #AQ-2017 (H,Hw)
38 FR 22864 - 8/24/73
BEDFORD COUNTY
Decision #AP-832 (H,Hw)
38 FR 14058 - 5/25/73
Mod. #1 - 38 FR 22856 - 8/24/73
BERKS COUNTY
Decision #AQ-2025 (B)
38 FR 29184 - 10/19/73
(Hw) - See Adams County
BLAIR COUNTY
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AQ-2015 (R)
38 FR 22353 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Decision #AQ-2011 (H,Hw)
38 FR 22341 - 8/17/73
BUTLER COUNTY
Decision #AP-830 (H,Hw)
38 FR 14053 - 5/25/73
Mod. #1 - 38 FR 15793 - 6/15/73
Mod. #2 - 38 FR 22856 - 8/24/73
CAMBRIA COUNTY
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2018 (H,Hw)
38 FR 22867 - 8/24/73
Mod. #1 - 38 FR 31770 - 11/16/73

PENNSYLVANIA (Cont'd)

CHESTER COUNTY
(H,Hw) - See Bucks County
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
(H,Hw) - See Armstrong County
CUMBERLAND COUNTY
Decision #AP-825 (B)
38 FR 13301 - 5/18/73
Mod. #1 - 38 FR 18825 - 7/13/73
Mod. #2 - 38 FR 22321 - 8/17/73
Mod. #3 - 38 FR 27717 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
(Hw) - See Adams County
DAUPHIN COUNTY
Decision #AP-824 (B)
38 FR 13299 - 5/18/73
Mod. #1 - 38 FR 18825 - 7/13/73
Mod. #2 - 38 FR 22320 - 8/17/73
Mod. #3 - 38 FR 27717 - 10/5/73
Mod. #4 - 38 FR 29742 - 10/26/73
(Hw) - See Adams County
DELAWARE COUNTY
Decision #AQ-2014 (B,H,Hw)
38 FR 22350 - 8/17/73
Mod. #1 - 38 FR 27167 - 9/28/73
Mod. #2 - 38 FR 33800 - 12/7/73
(R,H,Hw) - See Bucks County
ELK COUNTY
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AP-834 (H,Hw,B)
38 FR 14060 - 5/25/73
Mod. #1 - 38 FR 15794 - 6/15/73
Mod. #2 - 38 FR 26550 - 9/21/73
Mod. #3 - 38 FR 31770 - 11/16/73
FAYETTE COUNTY
(H,Hw) - See Butler County
FOREST COUNTY
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AP-843 (B,H,Hw)
38 FR 15352 - 6/8/73
Mod. #1 - 38 FR 22856 - 8/24/73
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County

PENNSYLVANIA (Cont'd)

INDIANA COUNTY
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNIATA COUNTY
(H,Hw) - See Adams County
LACKAWANNA COUNTY
Decision #AP-488 (B)
38 FR 6620 - 3/9/73
Mod. #1 - 38 FR 18825 - 7/13/73
Mod. #2 - 38 FR 21032 - 8/3/73
Mod. #3 - 38 FR 22320 - 8/17/73
LANCASTER COUNTY
(Hw) - See Adams County
LAWRENCE COUNTY
Decision #AQ-2027 (B,H,Hw)
38 FR 29760 - 10/26/73
Mod. #1 - 38 FR 31770 - 11/16/73
LEBANON COUNTY
(Hw) - See Adams County
LEHIGH COUNTY
Decision #AP-835 (B)
38 FR 14066 - 5/25/73
Mod. #1 - 38 FR 18128 - 7/6/73
Mod. #2 - 38 FR 19611 - 7/20/73
Mod. #3 - 38 FR 22321 - 8/17/73
Mod. #4 - 38 FR 31101 - 11/9/73
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AP-818 (B)
38 FR 13283 - 5/18/73
Mod. #1 - 38 FR 18127 - 7/6/73
Mod. #2 - 38 FR 19611 - 7/20/73
Mod. #3 - 38 FR 21034 - 8/3/73
Mod. #4 - 38 FR 22320 - 8/17/73
Mod. #5 - 38 FR 29150 - 10/19/73
(H,Hw) - See Adams County
LYCOMING COUNTY
(Hw) - See Adams County
MC KEAN COUNTY
(Hw) - See Adams County
MERCER COUNTY
Decision #AQ-2030 (B,H,Hw)
38 FR 31793 - 11/16/73
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(Hw, H) - See Adams County
MONTGOMERY COUNTY
Decision #AQ-2013 - (B)
38 FR 22347 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
(H,Hw) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd)

NORTHAMPTON COUNTY
Decision #AQ-2016 (B)
38 FR 22356 - 8/17/73
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
(H,Hw) - See Adams County
PERRY COUNTY
(Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AQ-2012 (B)
38 FR 22344 - 8/17/73
Mod. #1 - 38 FR 27166 - 9/28/73
Decision #AP-803 (D)
38 FR 10580 - 4/27/72
(H,Hw) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
(H,Hw) - See Armstrong County
WARREN COUNTY
(H,Hw) - See Armstrong County
WASHINGTON COUNTY
Decision #AP-481 (B,H,Hw)
38 FR 7757 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
Mod. #5 - 38 FR 22855 - 8/24/73
WAYNE COUNTY
(H,Hw) - See Adams County
WESTMORELAND COUNTY
Decision #AP-482 (B,H,Hw)
38 FR 7764 - 3/23/73
Mod. #1 - 38 FR 10578 - 4/27/73
Mod. #2 - 38 FR 12518 - 5/11/73
Mod. #3 - 38 FR 13117 - 5/18/73
Mod. #4 - 38 FR 15794 - 6/15/73
Mod. #5 - 38 FR 22855 - 8/24/73
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(H,Hw) - See Adams County

PUERTO RICO

PUERTO RICO
Decision #AP-412 (B,H,Hw)
37 FR 16778 - 8/18/72
Mod. #1 - 38 FR 26553 - 9/21/73
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73

RHODE ISLAND

STATEWIDE
Decision #AP-803 (D)
38 FR 10580 - 4/23/73
BRISTOL COUNTY
(D) - See Statewide
Decision #AQ-3023 (B,H,Hw, & Marine)
38 FR 29767 - 10/26/73
KENT COUNTY
(B,H,Hw,Marine) - See Bristol Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AQ-3024 (B,H,Hw,Marine)
38 FR 29771 - 10/26/73
Decision #AQ-3028 (R)
38 FR 29728 - 10/26/73
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AQ-2009 (R)
38 FR 22874 - 8/24/73
Mod. #1 - 38 FR 30341 - 11/2/73
(B,H,Hw,Marine) - See Bristol Cty.
(D) - See Statewide
WASHINGTON COUNTY
Decision #AQ-2010 - (R)
38 FR 22875 - 8/24/73
Mod. #1 - 38 FR 30341 - 11/2/73
Decision #AQ-3025 (B,H,Hw,Marine)
38 FR 29775 - 10/26/73
(D) - See Statewide

SOUTH CAROLINA

STATEWIDE
Decision #AM-1867 (Hw)
36 FR 16475 - 8/20/71
Decision #AP-157 (Sewer & Water)
38 FR 4619 - 2/16/73
ABBEVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
AIKEN COUNTY
(Sewer & Water,Hw) - See Statewide
ALLENDALE COUNTY
(Sewer & Water,Hw) - See Statewide
ANDERSON COUNTY
(Sewer & Water,Hw) - See Statewide
BAMBERG COUNTY
(Sewer & Water,Hw) - See Statewide
BARNWELL COUNTY
(Sewer & Water,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
(Sewer & Water,Hw) - See Statewide
BERKELEY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
Decision #AQ-4029 (R)
38 FR 31153 - 11/9/73
CALHOUN COUNTY
(Sewer & Water,Hw) - See Statewide
CHARLESTON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
(R) - See Berkeley County
CHEROKEE COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
CHESTERFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
CLARENDON COUNTY
(Sewer & Water,Hw) - See Statewide
COLLETON COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
DARLINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
DILLON COUNTY
(Sewer & Water,Hw) - See Statewide
DORCHESTER COUNTY
(Sewer & Water,Hw) - See Statewide
EDGEFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
FAIRFIELD COUNTY
(Sewer & Water,Hw) - See Statewide
FLORENCE COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH CAROLINA (Cont'd)

GEORGETOWN COUNTY
(D) - See Beaufort
(Sewer & Water,Hw) - See Statewide
GREENVILLE COUNTY
(Sewer & Water,Hw) - See Statewide
GREENWOOD COUNTY
(Sewer & Water,Hw) - See Statewide
HAMPTON COUNTY
(Sewer & Water,Hw) - See Statewide
HORRY COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
JASPER COUNTY
(D) - See Beaufort County
(Sewer & Water,Hw) - See Statewide
KERSHAW COUNTY
(Sewer & Water,Hw) - See Statewide
LANCASTER COUNTY
(Sewer & Water,Hw) - See Statewide
LAURENS COUNTY
(Sewer & Water,Hw) - See Statewide
LEE COUNTY
(Sewer & Water,Hw) - See statewide
LEXINGTON COUNTY
(Sewer & Water,Hw) - See Statewide
McCORMICK COUNTY
(Sewer & Water,Hw) - See Statewide
MARION COUNTY
(Sewer & Water,Hw) - See Statewide
MARLBORO COUNTY
(Sewer & Water,Hw) - See Statewide
NEWBERRY COUNTY
(Sewer & Water,Hw) - See Statewide
OCONEE COUNTY
(Sewer & Water,Hw) - See Statewide
ORANGEBURG COUNTY
(Sewer & Water,Hw) - See Statewide
PICKENS COUNTY
(Sewer & Water,Hw) - See Statewide
RICHLAND COUNTY
(Sewer & Water,Hw) - See Statewide
SALUDA COUNTY
(Sewer & Water,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water,Hw) - See Statewide
SUMTER COUNTY
(Sewer & Water,Hw) - See Statewide
UNION COUNTY
(Sewer & Water,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water,Hw) - See Statewide
YORK COUNTY
(Sewer & Water,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
(Hw) - See Statewide
BENNETT COUNTY
(Hw) - See Statewide
BON HOMME COUNTY
(Hw) - See Statewide
BROOKINGS COUNTY
(Hw) - See Statewide
BROWN COUNTY
(Hw) - See Statewide
BRULE COUNTY
(Hw) - See Statewide
BUFFALO COUNTY
(Hw) - See Statewide
BUTTE COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES COUNTY
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
CORSON COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DAVISON COUNTY
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

EDMUNDS COUNTY
(Hw) - See Statewide
FALL RIVER COUNTY
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(Hw) - See Statewide
GREGORY COUNTY
(Hw) - See Statewide
HAAKON COUNTY
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(Hw) - See Statewide
HUGHES COUNTY
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
KINGSBURY COUNTY
(Hw) - See Statewide
LAKE COUNTY
(Hw) - See Statewide
LAWRENCE COUNTY
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LYMAN COUNTY
(Hw) - See Statewide
MC COOK COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

MC PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AQ-1046 (B)
38 FR 28540 - 10/12/73
MELLETTE COUNTY
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AM-6141 (R)
36 FR 21736 - 11/12/71
Decision #AQ-1048 (B)
38 FR 28542 - 10/12/73
(Hw) - See Statewide
MOODY COUNTY
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(Hw) - See Statewide
PERKINS COUNTY
(Hw) - See Statewide
POTTER COUNTY
(Hw) - See Statewide
ROBERTS COUNTY
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(Hw) - See Statewide
SPINK COUNTY
(Hw) - See Statewide
STANLEY COUNTY
(Hw) - See Statewide
SULLY COUNTY
(Hw) - See Statewide
TODD COUNTY
(Hw) - See Statewide
TRIPP COUNTY
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
WALWORTH COUNTY
(Hw) - See Statewide
WASHABOUGH COUNTY
(Hw) - See Statewide
YANKTON COUNTY
Decision #AQ-1057 (H,Hw)
38 FR 31154 - 11/9/73
(Hw) - See Statewide
ZIEBACH COUNTY
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Decision #AM-504 (Hw)
36 FR 16493 - 8/20/71
Mod. #1-37 FR 246 - 1/7/72
Mod. #2-38 FR 939-1/5/73
ANDERSON COUNTY
Decision #AQ-4011 (B)
38 FR 26589 - 9/21/73
(Hw) - See Statewide
(F)-See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F)-See Statewide
(Hw)-See Statewide
CAMPBELL COUNTY
(F)-See Statewide
(Hw)-See Statewide
CANNON COUNTY
(F)-See Statewide
(Hw)-See Statewide
CARROLL COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
(F)-See Statewide
(Hw)-See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
(F)-See Statewide
(Hw)-See Statewide
CHEATHAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
CHESTER COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAIBORNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CLAY COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

COCKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
COFFEE COUNTY
(F)-See Statewide
(Hw)-See Statewide
CROCKETT COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
CUMBERLAND COUNTY
(F)-See Statewide
(Hw)-See Statewide
DAVIDSON COUNTY
Decision #AP-169 (B)
38 FR 7782 - 3/23/73
Decision #AM-505 (R)
36 FR 16494 - 8/20/72
Mod. #1-37 FR 21714 - 10/13/72
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
DYER COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AQ-4015 (B,H)
38 FR 27734 - 10/5/73
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F)-See Statewide
(Hw)-See Statewide
HARDEMAN COUNTY
(D)-See Carroll County
(Hw)-See Statewide
(F)-See Statewide
HARDIN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAWKINS COUNTY
(F)-See Statewide
(Hw)-See Statewide
HAYWOOD COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HENDERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HENRY COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
HICKMAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
HOUSTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
HUMPHREYS COUNTY
(F)-See Statewide
(Hw)-See Statewide
JACKSON COUNTY
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (cont'd)

JEFFERSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
JOHNSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
KNOX COUNTY
Decision #AQ-4014 (B)
38 FR 27731 - 10/5/73
(F)-See Statewide
(Hw)-See Statewide
LAKE COUNTY
(F)-See Statewide
(Hw)-See Statewide
LAUDERDALE COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
LAWRENCE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
LEWIS COUNTY
(F)-See Statewide
(Hw)-See Statewide
LINCOLN COUNTY
(F)-See Statewide
(Hw)-See Statewide
LOUDON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC MINN COUNTY
(F)-See Statewide
(Hw)-See Statewide
MC NAIRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MACON COUNTY
(F)-See Statewide
(Hw)-See Statewide
MADISON COUNTY
(D)-See Carroll county
(F)-See Statewide
(Hw)-See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TENNESSEE (cont'd)

MAURY COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
MEIGS COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONROE COUNTY
(F)-See Statewide
(Hw)-See Statewide
MONTGOMERY COUNTY
(F)-See Statewide
(Hw)-See Statewide
MOORE COUNTY
(F)-See Statewide
(hw)-See Statewide
MORGAN COUNTY
(F)-See Statewide
(Hw)-See Statewide
OBION COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
OVERTON COUNTY
(F)-See Statewide
(Hw)-See Statewide
PERRY COUNTY
(F)-See Statewide
(Hw)-See Statewide
PICKETT COUNTY
(F)-See Statewide
(Hw)-See Statewide
POLK COUNTY
(F)-See Statewide
(Hw)-See Statewide
PUTNAM COUNTY
(F)-See Statewide
(Hw)-See Statewide
RHEA COUNTY
(F)-See Statewide
(Hw)-See Statewide
ROANE COUNTY
(B)-See Anderson County
(F)-See Statewide
(Hw)-See Statewide

TENNESSEE (Cont'd)

ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
RUTHERFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AQ-4016 (B,H,Utility)
38 FR 27737 - 10/5/73
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Decision #AP-137 (R)
37 FR 23051 - 10/27/72
(F) - See Statewide
(Hw) - See Statewide
SUMNER COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Davidson County

TENNESSEE (cont'd)

TIPTON COUNTY
(D)-See Carroll County
(F)-See Statewide
(Hw)-See Statewide
TROUSDALE COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
UNICOI COUNTY
(F)-See Statewide
(Hw)-See Statewide
UNION COUNTY
(F)-See Statewide
(Hw)-See Statewide
VAN BUREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WARREN COUNTY
(F)-See Statewide
(Hw)-See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
Decision #AP-136 (R)
37 FR 22702 - 10/20/72
(F)-See Statewide
(hw)-See Statewide
WAYNE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WEAKLEY COUNTY
(D)-See Carroll County
(F)-See Statewide
WHITE COUNTY
(F)-See Statewide
(Hw)-See Statewide
WILLIAMSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County
WILSON COUNTY
(F)-See Statewide
(Hw)-See Statewide
(R)-See Davidson County

TEXAS

ANDERSON COUNTY
Decision #AQ-58 (Streets, Highways, Runways & Water & Sewer Lines)
38 FR 32412 - 11/23/73
ANDREWS COUNTY
Decision #AQ-48 (Streets, Highways, Runways & Water & Sewer Lines)
38 FR 32402 - 11/23/73
ANGELINA COUNTY
(S,Hw,R,W&S) - See Anderson County
ARANSAS COUNTY
Decision #AQ-52 (Streets, Highways, Runways & Water & Sewer Lines)
38 FR 32406 - 11/23/73
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
ARCHER COUNTY
Decision #AQ-46 (Streets, Highways Runways & Water & Sewer Lines)
38 FR 32400 - 11/23/73
ARMSTRONG COUNTY
Decision #AQ-38 (B)
38 FR 29780 - 10/26/73
Mod. #1 - 38 FR 31101 - 11/9/73
(S,Hw,R,W & S) - See Archer County
Decision #AP-346 (R)
37 FR 20497 - 9/29/72
Mod. #1 - 38 FR 4080 - 2/9/73
Mod. #2 - 38 FR 17354 - 6/29/73
Mod. #3 - 38 FR 18129 - 7/6/73
Mod. #4 - 38 FR 19612 - 7/20/73
Mod. #5 - 38 FR 31101 - 11/9/73
ATASCOSA COUNTY
Decision #AQ-50 (Streets, Highways, Runways & Water & Sewer Lines)
38 FR 32404 - 11/23/73
AUSTIN COUNTY
Decision #AQ-53 (Streets, Highways Runways, & Water & Sewer Lines)
38 FR 32407 - 11/23/73
BAILEY COUNTY
Decision #AQ-47 (Streets, Highways Runways, & Water & Sewer Lines)
38 FR 32401 - 11/23/73
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(S,Hw,R,W,S) - See Atascosa County
BASTROP COUNTY
(S,Hw,R,W,S) - See Austin County
Decision #AM-7705 (R)
36 FR 22117 - 11/19/71

TEXAS (Cont'd)

BAYLOR COUNTY
(S,Hw,R,W,S) - See Archer County
BEE COUNTY
(S,Hw,R,W&S) - See Aransas County
BELL COUNTY
Decision #AQ-54 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32408 - 11/23/73
BEXAR COUNTY
Decision #AQ-34 (B)
38 FR 27741 - 10/5/73
Mod. #1 - 38 FR 29154 - 10/19/73
Mod. #2 - 38 FR 31101 - 11/9/73
Mod. #3 - 38 FR 33212 - 11/30/73
(S,Hw,R,W & S) - See Atascosa County
Decision #AQ-27 (R)
38 FR 26592 - 9/21/73
BLANCO COUNTY
(S,Hw,R,W & S) - See Austin County
(R) - See Bastrop County
BORDEN COUNTY
(S,Hw,R,W & S) - See Bailey County
BOSQUE COUNTY
(S,Hw,R,W & S) - See Bell County
BOWIE COUNTY
Decision #AQ-57 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32411 - 11/23/73
BRAZORIA COUNTY
Decision #AQ-60 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32414 - 11/23/73
Decision #AM-7488 (R)
36 FR 21737 - 11/12/71
Mod. #1 - 37 FR 10695 - 5/26/72
(D) - See Aransas County
BRAZOS COUNTY
Decision #AQ-59 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32413 - 11/23/73
BREWSTER COUNTY
Decision #AQ-49 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32403 - 11/23/73
BRISCOE COUNTY
(S,Hw,R,W & S) - See Archer County
BROOKS COUNTY
Decision #AQ-51 (Streets, Highways, Runways, & Water & Sewer Lines)
38 FR 32405 - 11/23/73
BROWN COUNTY
(S,Hw,R,W & S) - See Andrews County

TEXAS (Cont'd)

BURLESON COUNTY
(S,Hw,R,W & S) - See Brazos County
BURNETT COUNTY
(S,Hw,R,W & S) - See Austin County
CALDWELL COUNTY
(S,Hw,R,W,&S) - See Austin County
(R) - See Bastrop County
CALHOUN COUNTY
(S,Hw,R,W & S) - See Aransas County
(D) - See Aransas County
CALLAHAN COUNTY
(S,Hw,R,W & S) - See Andrews County
CAMERON COUNTY
Decision #AP-396 (B)
38 FR 2646 - 1/26/73
Mod. #1 - 38 FR 16595 - 6/22/73
Mod. #2 - 38 FR 21036 - 8/3/73
Mod. #3 - 38 FR 26554 - 9/21/73
Mod. #4 - 38 FR 29150 - 10/19/73
(D) - See Aransas County
(S,Hw,R,W & S) - See Brooks County
Decision #AP-369 (R)
37 FR 26775 - 12/15/72
Mod. #1 - 38 FR 26554 - 9/21/73
CAMP COUNTY
(S,Hw,R,W & S) - See Bowie County
CARSON COUNTY
(B) - See Armstrong County
(S,Hw,R,W & S) - See Archer County
(R) - See Armstrong County
CASS COUNTY
(S,Hw,R,W & S) - See Bowie County
CASTRO COUNTY
(B) - See Armstrong County
(S,Hw,R,W & S) - See Archer County
(R) - See Armstrong County
CHAMBERS COUNTY
Decision #AQ-61 (Streets, Highways, Runways)
38 FR 32415 - 11/23/73
(D) - See Aransas County
CHEROKEE COUNTY
(S,Hw,R,W & S) - See Anderson County
CHILDRESS COUNTY
(B) - See Armstrong County
(S,Hw,R,W & S) - See Archer County
(R) - See Armstrong County
CLAY COUNTY
(S,Hw,R,W & S) - See Archer County
COCHRAN COUNTY
(S,Hw,R,W & S) - See Bailey County
(R) - See Bailey County

TEXAS (Cont'd)

COKE COUNTY
(S,Hw,R,W&S)- See Andrews County
COLEMAN COUNTY
(S,Hw,R,W&S) - See Andrews County
COLLIN COUNTY
Decision #AQ-37 (B-excluding Dallas-Fort Worth Regional Airport)
38 FR 29187 - 10/19/73
Mod. #1 - 38 FR 31101 - 11/9/73
Mod. #2 - 38 FR 31770 - 11/16/73
Decision #AO-56 (Streets, Highways,Runways, Water & Sewer Lines (Excl. work performed on the site of water or sewage treatment facilities & also excl. Dallas-Fort Worth Regional Airport)
38 FR 32410 - 11/23/73
Decision #AM-7,487 (R)
36 FR 21736 - 11/12/71
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
(R) - See Armstrong County
COLORADO COUNTY
(S,Hw,R,W&S) - See Austin County
COMAL COUNTY
S,Hw,R,W&S) - See Atascosa County
COMANCHE COUNTY
(S,Hw,R,W&S) - See Andrews County
CONCHO COUNTY
(S,Hw,R,W&S) - See Andrews County
COOKE COUNTY
Decision #AQ-55 (Streets, Highways, Runways, Water & Sewer Lines (Excl. work performed on the site of water or sewage treatment facilities & also excl. Dallas-Fort Worth Regional Airport)
38 FR 32409 - 11/23/73
CORYELL COUNTY
(S,Hw,R,W&S) - See Bell County
COTTLE COUNTY
(S,Hw,R,W&S) - See Bailey County
CRANE COUNTY
(S,Hw,R,W&S) - See Andrews County
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(S,Hw,R,W&S) - See Andrews County

TEXAS (Cont'd)

CROSBY COUNTY
(R) (S,Hw,R,W & S)-See Bailey County
CULBERSON COUNTY
(S,Hw,R,W & S) - See Brewster County
DALLAM COUNTY
(R) (B)-See Armstrong County
(S,Hw,R,W & S) - See Archer County
DALLAS COUNTY
(R&B) - See Collin County
(S,Hw,R,W & S) - See Collin County
DAWSON COUNTY
(S,Hw,R,W & S) - See Bailey County
DEAF SMITH COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,W & S) - See Archer County
DELTA COUNTY
(S,Hw,R,W & S)-See Bowie County
DENTON COUNTY
(R) (B) - See Collin County
(S,Hw,R,W & S) - See Cooke County
DE WITT COUNTY
(S,Hw,R,W & S) - See Aransas County
DICKENS COUNTY
(S,Hw,R,W & S)-See Bailey County
DIMMIT COUNTY
(S,Hw,R,W & S) - See Atascosa Co.
DONLEY COUNTY
(R&B) - See Armstrong County
(S,Hw,R,W & S) - See Archer County
DUVAL COUNTY
(S,Hw,R,W&S) - See Brooks County
EASTLAND COUNTY
(S,Hw,R,W&S) - See Andrews County
ECTOR COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County

TEXAS (cont'd)

EDWARDS COUNTY
(S,Hw,R,W&S) - See Atascosa County
ELLIS COUNTY
(B&R) (S,Hw,R,W&S) - See Collin County
EL PASO COUNTY
Decision #AQ-43 (B)
38 FR 31155 - 11/9/73
Mod. #1 - 38 FR 33212 - 11/30/73
(S,Hw,R,W&S) - See Brewster County
ERATH COUNTY
(S,Hw,R,W&S) - See Andrews County
FALLS COUNTY
(S,Hw,R,W&S) - See Bell County
FANNIN COUNTY
(S,Hw,R,W&S) - See Bowie County
FAYETTE COUNTY
(S,Hw,R,W&S) - See Austin County
(R) - See Bastrop County
FISHER COUNTY
(S,Hw,R,W&S) - See Bailey County
FLOYD COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
FOARD COUNTY
(S,Hw,R,W&S) - See Bailey County
FORT BEND COUNTY
(R)(S,Hw,R,W&S) - See Brazoria County
FRANKLIN COUNTY
(S,Hw,R,W&S) - See Bowie County
FREESTONE COUNTY
(S,Hw,R,W&S) - See Bell County
FRIO COUNTY
(S,Hw,R,W&S) - See Atascosa County
GAINES COUNTY
(S,Hw,R,W&S) - See Bailey County

TEXAS (Cont'd)

GALVESTON COUNTY
Decision #AQ-28 (B)
38 FR 27185 - 9/28/73
Mod. #1 - 38 FR 29153 - 10/19/73
Mod. #2 - 38 FR 31770 - 11/16/73
Mod. #3 - 38 FR 33212 - 11/30/73
(S,Hw,R,W&S) - See Brazoria County
Decision #AP-348 (R)
37 FR 20501 - 9/29/72
(D) - See Aransas County
GARZA COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
GILLESPIE COUNTY
(S,Hw,R,W&S) - See Austin County
GLASSOCK COUNTY
(S,Hw,R,W&S) - See Andrews County
GOLIAD COUNTY
(S,Hw,R,W&S) - See Aransas County
GONZALES COUNTY
(S,Hw,R,W&S) - See Austin County
GRAY COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
GRAYSON COUNTY
(B)(S,Hw,R,W&S)-See Collin County
GREGG COUNTY
(S,Hw,R,W&S) - See Bowie County
GRIMES COUNTY
(S,Hw,R,W&S) - See Brazos County
GUADALUPE COUNTY
(S,Hw,R,W&S) - See Atascosa County
HALE COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
HALL COUNTY
(S,Hw,R,W&S) - See Archer County
HAMILTON COUNTY
(S,Hw,R,W&S) - See Bell County
HANSFORD COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County

TEXAS (Cont'd)

HARDEMAN COUNTY
(S,Hw,R,W&S) - See Archer County
HARDIN COUNTY
(S,Hw,R) - See Chambers County
HARRIS COUNTY
Decision #AQ-29 (B)
38 FR 27188 - 9/28/73
Mod. #1 - 38 FR 29153 - 10/19/73
Mod. #2 - 38 FR 29742 - 10/26/73
Mod. #3 - 38 FR 30341 - 11/2/73
Mod. #4 - 38 FR 31770 - 11/16/73
(R)(S,Hw,R,W&S)-See Brazoria County
(D) - See Aransas County
HARRISON COUNTY
(S,Hw,R,W&S) - See Bowie County
HARTLEY COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
HASKELL COUNTY
(S,Hw,R,W&S) - See Bailey County
HAYS COUNTY
(S,Hw,R,W&S) - See Austin County
(R) - See Bastrop County
HEMPHILL COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
HENDERSON COUNTY
(S,Hw,R,W&S) - See Anderson County
HIDALGO COUNTY
(R)(B) - See Cameron County
(S,Hw,R,W&S) - See Brooks County
HILL COUNTY
(S,Hw,R,W&S) - See Bell County
HOCKLEY COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
HOOD COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1-37 FR 20395 - 9/29/72

TEXAS (Cont'd)

HOPKINS COUNTY
(S;Hw,R,W&S) - See Bowie County
HOUSTON COUNTY
(S,Hw,R,W&S) - See Anderson County
HOWARD COUNTY
(S,Hw,R,W&S) - See Andrews County
HUDSPETH COUNTY
(S,Hw,R,W&S) - See Brewster County
HUNT COUNTY
(R)(B) - See Collin County
(S,Hw,R,W&S) - See Bowie County
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
IRION COUNTY
(S,Hw,R,W&S) - See Andrews County
JACK COUNTY
(S,Hw,R,W&S) - See Cooke County
JACKSON COUNTY
(D)(S,Hw,R,W&S)-See Aransas County
JASPER COUNTY
(S,Hw,R,W&S) - See Anderson County
JEFF DAVIS COUNTY
(S,Hw,R,W&S) - See Brewster County
JEFFERSON COUNTY
Decision #AQ-41 (B)
38 FR 29786 - 10/26/73
Mod. #1 - 38 FR 31102 - 11/9/73
Mod. #2 - 38 FR 31771 - 11/16/73
(S,Hw,R) - See Chambers County
Decision #AQ-40 (R)
38 FR 29784 - 10/26/73
Mod. #1 - 38 FR 31102 - 11/9/73
Mod. #2 - 38 FR 31771 - 11/16/73
(D) - See Aransas County
JIM HOGG COUNTY
(S,Hw,R,W&S) - See Brooks County
JIM WELLS COUNTY
(S,Hw,R,W&S) - See Aransas County
JOHNSON COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
(R) - See Hood County

TEXAS (Cont'd)

JONES COUNTY
(S,Hw,R,W&S) - See Bailey County
KARNES COUNTY
(S,Hw,R,W&S) - See Aransas County
KAUFMAN COUNTY
(R)(B) - See Collin County
(S,Hw,R,W&S) - See Bowie County
KENDALL COUNTY
(S,Hw,R,W&S) - See Atascosa County
KENEDY COUNTY
(S,Hw,R,W&S) - See Brooks County
(D) - See Aransas County
KENT COUNTY
(S,Hw,R,W&S) - See Bailey County
KERR COUNTY
(S,Hw,R,W&S) - See Atascosa County
KIMBLE COUNTY
(S,Hw,R,W&S) - See Andrews County
KING COUNTY
(S,Hw,R,W&S) - See Bailey County
KINNEY COUNTY
(S,Hw,R,W&S) - See Atascosa County
KLEBERG COUNTY
(D)(S,Hw,R,W&S) - See Aransas County
KNOX COUNTY
(S,Hw,R,W&S) - See Bailey County
LAMAR COUNTY
(S,Hw,R,W&S) - See Bowie County
LAMB COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
LAMPASAS COUNTY
(S,Hw,R,W&S) - See Bell County
LA SALLE COUNTY
(S,Hw,R,W&S) - See Atascosa County
LAVACA COUNTY
(S,Hw,R,W&S) - See Aransas County

TEXAS (Cont'd)

LEE COUNTY
(S,Hw,R,W&S) - See Austin County
(R) - See Bastrop County
LEON COUNTY
(S,Hw,R,W&S) - See Brazos County
LIBERTY COUNTY
(S,Hw,R) - See Chambers County
LIMESTONE COUNTY
(S,Hw,R,W&S) - See Bell County
LIPSCOMB COUNTY
(S,Hw,R,W&S) - See Archer County
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(S,Hw,R,W&S) - See Aransas County
LLANO COUNTY
(S,Hw,R,W&S) - See Austin County
LOVING COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County
LUBBOCK COUNTY
Decision #AQ-30 (B)
38 FR 27191 - 9/28/73
Mod. #1 - 38 FR 29154 - 10/19/73
Mod. #2 - 38 FR 29742 - 10/26/73
(R)(S,Hw,R,W&S) - See Bailey County
LYNN COUNTY
(R)(S,Hw,R,W&S) - See Bailey County
MCCULLOCH COUNTY
(S,Hw,R,W&S) - See Andrews County
MCLENNAN COUNTY
(S,Hw,R,W&S) - See Bell County
MCMULLEN COUNTY
(S,Hw,R,W&S) - See Atascosa County
MADISON COUNTY
(S,Hw,R,W&S) - See Brazos County
MARION COUNTY
(S,Hw,R,W&S) - See Bowie County
MARTIN COUNTY
(S,Hw,R,W&S) - See Andrews County

TEXAS (Cont'd)

MASON COUNTY
(S,Hw,R,W&S) - See Austin County
MATAGORDA COUNTY
(R)(S,Hw,R,W&S) - See Brazoria County
(D) - See Aransas County
MAVERICK COUNTY
(S,Hw,R,W&S) - See Atascosa County
MEDINA COUNTY
(S,Hw,R,W&S) - See Atascosa County
MENARD COUNTY
(S,Hw,R,W&S) - See Andrews County
MIDLAND COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County
MILAM COUNTY
(S,Hw,R,W&S) - See Brazos County
MILLS COUNTY
(S,Hw,R,W&S) - See Andrews County
MITCHELL COUNTY
(S,Hw,R,W&S) - See Andrews County
MONTAGUE COUNTY
(S,Hw,R,W&S) - See Archer County
MONTGOMERY COUNTY
(R)(S,Hw,R,W&S) - See Brazoria County
MOORE COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
MORRIS COUNTY
(S,Hw,R,W&S) - See Bowie County
MOTLEY COUNTY
(S,Hw,R,W&S) - See Bailey County
NACOGDOCHES COUNTY
(S,Hw,R,W&S) - See Anderson County
NAVARRO COUNTY
(S,Hw,R,W&S) - See Bell County
NEWTON COUNTY
(S,Hw,R.W&S) - See Anderson County
NOLAN COUNTY
(S,Hw,R.W&S) - See Andrews County

TEXAS (Cont'd)

NUECES COUNTY
Decision #AQ-31 (B)
38 FR 27194 - 9/28/73
Mod. #1 - 38 FR 29154 - 10/19/73
Mod. #2 - 38 FR 33212 - 11/30/73
(D)(S,Hw,R,W&S) - See Aransas County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
OLDHAM COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
ORANGE COUNTY
(R)(B) - See Jefferson County
(S,Hw,R) - See Chambers County
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
(R) - See Hood County
PANOLA COUNTY
(S,Hw,R,W&S) - See Anderson County
PARKER COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
(R) - See Hood County
PARMER COUNTY
(S,Hw,R,W&S) - See Archer County
PECOS COUNTY
(S,Hw,R,W&S) - See Brewster County
(R) - See Crane County
POLK COUNTY
(S,Hw,R,W&S) - See ANDERSON County
POTTER COUNTY
(S,Hw,R,W&S) - See Archer County
(B) (R) - See Armstrong County

TEXAS (Cont'd)

PRESIDIO COUNTY
(S,Hw,R,W&S) - See Brewster County
RAINS COUNTY
(S,Hw,R,W&S) - See Bowie County
RANDALL COUNTY
(S,Hw,R,W&S) - See Archer County
(B) (R) - See Armstrong County
REAGAN COUNTY
(S,Hw,R,W&S) - See Andrews County
REAL COUNTY
(S,Hw,R,W&S) - See Atascosa County
RED RIVER COUNTY
(S,Hw,R,W&S) - See Bowie County
REEVES COUNTY
(S,Hw,R,W&S) - See Brewster County
(R) - See Crane County
REFUGIO COUNTY
(D)(S,Hw,R,W&S) - See Aransas County
ROBERTS COUNTY
(S,Hw,R,W&S) - See Archer County
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(S,Hw,R,W&S) - See Brazos County
ROCKWALL COUNTY
(R)(B)(S,Hw,R,W&S) - See Collin County
RUNNELS COUNTY
(S,Hw,R,W&S) - See Andrews County
RUSK COUNTY
(S,Hw,R,W&S) - See Bowie County
SABINE COUNTY
(S,Hw,R,W&S) - See Anderson County
SAN AUGUSTINE COUNTY
(S,Hw,R,W&S) - See Anderson County
SAN JACINTO COUNTY
(S,Hw,R,W&S) - See Anderson County
SAN PATRICIO COUNTY
(S,Hw,R,W&S)(D) - See Aransas County
SAN SABA COUNTY
(S,Hw,R,W&S) - See Andrews County
SCHLEICHER COUNTY
(S,Hw,R,W&S) - See Andrews County

TEXAS (Cont'd)

SCURRY COUNTY
(S,Hw,R,W&S) - See Bailey County
SHACKELFORD COUNTY
(S,Hw,R,W&S) - See Bailey County
SHELBY COUNTY
(S,Hw,R,W&S) - See Anderson County
SHERMAN COUNTY
(S,Hw,R,W&S) - See Archer County
(B)(R) - See Armstrong County
SMITH COUNTY
(S,Hw,R,W&S) - See Bowie County
SOMERVELL COUNTY
(S,Hw,R,W&S) - See Cooke County
STARR COUNTY
(S,Hw,R,W&S) - See Brooks County
(B) (R) - See Cameron County
STEPHENS COUNTY
(S,Hw,R,W&S) - See Bailey County
STERLING COUNTY
(S,Hw,R,W&S) - See Andrews County
STONEWALL COUNTY
(S,Hw,R,W&S) - See Bailey County
SUTTON COUNTY
(S,Hw,R,W&S) - See Andrews County
SWISHER COUNTY
(S,Hw,R,W&S) - See Archer County
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
Decision #AM-11423 (R)
37 FR 11617 - 6/9/72
Mod. #1 - 37 FR 20394 - 9/29/72
TAYLOR COUNTY
(S,Hw,R,W&S) - See Andrews County
TERRELL COUNTY
(S,Hw,R,W&S) - See Brewster County
TERRY COUNTY
(S,Hw,R,W&S) - See Bailey County
(R) - See Bailey County
THROCKMORTON COUNTY
(S,Hw,R,W&S) - See Bailey County
TITUS COUNTY
(S,Hw,R,W&S) - See Bowie County
TOM GREEN COUNTY
(S,Hw,R,W&S) - See Andrews County

TEXAS (Cont'd)

TRAVIS COUNTY
Decision #AQ-45 (B)
38 FR 31799 - 11/16/73
Mod. #1 - 38 FR 33212 - 11/30/73
(R) - See Bastrop County
(S,Hw,R,W&S) - See Austin County
TRINITY COUNTY
(S,Hw,R,W&S) - See Anderson County
TYLER COUNTY
(S,Hw,R,W&S) - See Anderson County
UPSHUR COUNTY
(S,Hw,R,W&S) - See Bowie County
UPTON COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County
UVALDE COUNTY
(S,Hw,R,W&S) - See Atascosa County
VAL VERDE COUNTY
(S,Hw,R,W&S) - See Atascosa County
VAN ZANDT COUNTY
(S,Hw,R,W&S) - See Bowie County
VICTORIA COUNTY
(S,Hw,R,W&S) - See Aransas County
(D) - See Aransas County
WALKER COUNTY
(S,Hw,R,W&S) - See Brazos County
(R) - See Brazoria County
WALLER COUNTY
(S,Hw,R,W&S) - See Brazoria County
WARD COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County
WASHINGTON COUNTY
(S,Hw,R,W&S) - See Brazos County
WEBB COUNTY
(S,Hw,R,W&S) - See Brooks County
WHARTON COUNTY
(S,Hw,R,W&S) - See Brazoria County

TEXAS (Cont'd)

WHEELER COUNTY
(R)(B) - See Armstrong County
(S,Hw,R,W&S) - See Archer County
WICHITA COUNTY
(S,Hw,R,W&S) - See Archer County
WILBARGER COUNTY
(S,Hw,R,W&S) - See Archer County
WILLACY COUNTY
(R)(B) - See Cameron County
(S,Hw,R,W&S) - See Brooks County
(D) - See Aransas County
WILLIAMSON COUNTY
(S,Hw,R,W&S) - See Austin County
(R) - See Bastrop County
WILSON COUNTY
(S,Hw,R,W&S) - See Atascosa County
WINKLER COUNTY
(S,Hw,R,W&S) - See Andrews County
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(S,Hw,R,W&S) - See Cooke County
(R) - See Hood County
WOOD COUNTY
(S,Hw,R,W&S) - See Bowie County
YOAKUM COUNTY
(R)(S,Hw,R,W&S)-See Bailey County
YOUNG COUNTY
(S,Hw,R,W&S) - See Bailey County
ZAPATA COUNTY
(S,Hw,R,W&S) - See Brooks County
ZAVALA COUNTY
(S,Hw,R,W&S) - See Atascosa County

UTAH

STATEWIDE
Decision #AQ-1017 (B,H,Hw)
38 FR 23745 - 8/31/73
Mod. #1 - 38 FR 26555 - 9/21/73
Mod. #2 - 38 FR 31771 - 11/16/73
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (CONT'D)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

STATEWIDE (Except Rutland County)
Decision #AP-857 (Hw)
38 FR 16623 - 6/22/73
Mod. #1 - 38 FR 28473 - 10/12/73
Mod. #2 - 38 FR 31772 - 11/16/73
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AP-847 (D)
38 FR 15797 - 6/15/73
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AP-858 (B)
38 FR 17390 - 6/29/73
Mod. #1 - 38 FR 20187 - 7/27/73
Mod. #2 - 38 FR 21710 - 8/10/73
Mod. #3 - 38 FR 22857 - 8/24/73
Mod. #4 - 38 FR 29154 - 10/19/73
Mod. #5 - 38 FR 31773 - 11/16/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
(D) - See Accomack County
ALLEGHENY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AM-1871 (Hw)
36 FR 16339 - 8/20/71
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AUGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Allegheny County
BATH COUNTY
(Hw) - See Allegheny County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73

VIRGINIA (Cont'd)

BOTECOURT COUNTY
(Hw) - See Bedford County
BRISTOL COUNTY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA CITY
(Hw) - See Allegheny County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTESVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AQ-2023 (B)
38 FR 29193 - 10/19/73
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARKE COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Allegheny County
CLIFTON FORGE CITY
(Hw) - See Allegheny County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Allegheny County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County

VIRGINIA (cont'd)

FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Allegheny County
FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bland County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albemarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AQ-2024 (B)
38 FR 29195 - 10/19/73
(Hw) - See Amelia County

VIRGINIA (Cont'd)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albemarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County

VIRGINIA (cont'd)

MADISON COUNTY
(Hw) - See Albemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County
MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(Hw) - See Chesapeake City
(D) - See Accomack County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County

VIRGINIA (cont'd)

NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albermarle County
PAGE COUNTY
(Hw) - See Allegheny County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG COUNTY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Allegheny County

VIRGINIA (Cont'd)

ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County
SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County

VIRGINIA (Cont'd)

WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AQ-1021 (B,H,Hw,D)
38 FR 24549 - 9/7/73
Mod. #1 - 38 FR 26560 - 9/21/73
Mod. #2 - 38 FR 27717 - 10/5/73
Mod. #3 - 38 FR 29154 - 10/19/73
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CHELAN COUNTY
(B,H,Hw,D) - See Statewide
CLALLAM COUNTY
(B,H,Hw,D) - See Statewide
CLARK COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COWLITZ COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
FERRY COUNTY
(B,H,Hw,D) - See Statewide
FRANKLIN COUNTY
(B,H,Hw,D) - See Statewide
GARFIELD COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(B,H,Hw,D) - See Statewide
GRAYS HARBOR COUNTY
(B,H,Hw,D) - See Statewide
ISLAND COUNTY
Decision #AQ-1024 (R)
38 FR 24570 - 9/7/73
Mod. #1 - 38 FR 26564 - 9/21/73
(B,H,Hw,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide

WASHINGTON (Cont'd)

KING COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
KITSAP COUNTY
(B,H,Hw,D)-See Statewide
KITTITAS COUNTY
(B,H,Hw,D)-See Statewide
KLICKITAT COUNTY
(B,H,Hw,D)-See Statewide
LEWIS COUNTY
(B,H,Hw,D)-See Statewide
LINCOLN COUNTY
(B,H,Hw,D)-See Statewide
MASON COUNTY
(B,H,Hw,D)-See Statewide
OKANOGAN COUNTY
(B,H,Hw,D)-See Statewide
PACIFIC COUNTY
(B,H,Hw,D)-See Statewide
PEND OREILLE COUNTY
(B,H,Hw,D)-See Statewide
PIERCE COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SAN JUAN COUNTY
(B,H,Hw,D)-See Statewide
SKAGIT COUTNY
(B,H,Hw,D)-See Statewide
SKAMANIA COUNTY
(B,H,Hw,D)-See Statewide
SNOHOMISH COUNTY
(R) - See Island County
(B,H,Hw,D)-See Statewide
SPOKANE COUNTY
(B,H,Hw,D)-See Statewide
STEVENS COUNTY
(B,H,Hw,D)-See Statewide
THURSTON COUNTY
(B,H,Hw,D)-See Statewide
WAHKIAKUM COUNTY
(B,H,Hw,D)-See Statewide
WALLA WALLA COUNTY
(B,H,Hw,D)-See Statewide
WHATCOM COUNTY
(B,H,Hw,D)-See Statewide
WHITMAN COUNTY
(B,H,Hw,D)-See Statewide
YAKIMA COUNTY
(B,H,Hw,D)-See Statewide

WASHINGTON, D. C.

WASHINGTON, D. C.
Decision #AQ-2005 (B,Hw,Sewer & Water)
38 FR 21721 - 8/10/73
Mod. #1 - 38 FR 22857 - 8/24/73
Mod. #2 - 38 FR 29154 - 10/19/73
Mod. #3 - 38 FR 31773 - 11/16/73
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
Decision #AP-847 (D)
38 FR 15797 - 6/15/73

WEST VIRGINIA

STATEWIDE
Decision #AP-801 (H,Hw)
38 FR 9415 - 4/13/73
BARBOUR COUNTY
(H,Hw) - See Statewide
BERKELEY COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BRAXTON COUNTY
(H,Hw) - See Statewide
BROOKE COUNTY
(H,Hw) - See Statewide
CABELL COUNTY
Decision #AP-403 (B)
37 FR 14661 - 7/21/72
Mod. #1-37 FR 16722 - 8/18/72
Mod. #2-37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 15226 - 6/8/73
Mod. #4 - 38 FR 26564 - 9/21/73
Mod. #5 - 38 FR 28474 - 10/12/73
Decision #AP-602 (D)
38 FR 1433 - 1/12/73
(H,Hw) - See Statewide
CALHOUN COUNTY
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
DODDRIDGE COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
GILMER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREENBRIER COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

HAMPSHIRE COUNTY
(H,Hw) - See Statewide
HANCOCK COUNTY
(H,Hw) - See Statewide
HARDY COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KANAWHA COUNTY
Decision #AP-402 (B)
37 FR 14659 - 7/21/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73
Mod. #5 - 38 FR 28474 - 10/12/73
Decision #AP-405 (R)
37 FR 15236 - 7/28/72
Mod. #1 - 37 FR 20401 - 9/29/72
Mod. #2 - 37 FR 21720 - 10/13/72
Mod. #3 - 38 FR 4082 - 2/9/73
Mod. #4 - 38 FR 15226 - 6/8/73
Mod. #5 - 38 FR 28474 - 10/12/73
LEWIS COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
MC DOWELL COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MASON COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MINERAL COUNTY
(H,Hw) - See Statewide
MINGO COUNTY
(H,Hw) - See Statewide
MONOGALIA COUNTY
(H,Hw) - See Statewide

WEST VIRGINIA (Cont'd)

MONROE COUNTY
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
NICHOLAS COUNTY
(H,Hw) - See Statewide
OHIO COUNTY
(H,Hw) - See Statewide
PENDLETON COUNTY
(H,Hw) - See Statewide
PLEASANT COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
PRESTON COUNTY
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RALEIGH COUNTY
(H,Hw) - See Statewide
RANDOLPH COUNTY
(H,Hw) - See Statewide
RITCHIE COUNTY
(H,Hw) - See Statewide
ROANE COUNTY
(H,Hw) - See Statewide
SUMMERS COUNTY
(H,Hw) - See Statewide
TAYLOR COUNTY
(H,Hw) - See Statewide
TUCKER COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
WETZEL COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WIRT COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(D) - See Cabell County
(H,Hw) - See Statewide
WYOMING COUNTY
(H,Hw) - See Statewide

WISCONSIN

ADAMS COUNTY
Decision #AP-72 (Hw)
37 FR 26273 - 12/8/72
Mod. #1-38 FR 2019 - 1/9/73
Mod. #2-38 FR 12524 - 5/11/73
ASHLAND COUNTY
Decision #AP-4 (D)
37 FR 14670 - 7/21/72
Decision #AP-70 (Hw)
37 FR 26269 - 12/8/72
Mod. #1-38 FR 2018 - 1/19/73
Mod. #2-38 FR 12523 - 5/11/73
BARRON COUNTY
Decision #AP-71 (Hw)
37 FR 26271 - 12/8/72
Mod. #1-38 FR 2018-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
BAYFIELD COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
BROWN COUNTY
Decision #AP-53 (B,H,Hw)
37 FR 25643 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/72
Mod. #4-38 FR 12520 - 5/11/73
(D) - See Ashland County
BUFFALO COUNTY
(Hw) - See Barron County
BURNETT COUNTY
(Hw) - See Ashland County
CALUMET COUNTY
Decision #AP-74 (Hw)
37 FR 26277 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CHIPPEWA COUNTY
(Hw) - See Barron County
CLARK COUNTY
(Hw) - See Barron County
COLUMBIA COUNTY
Decision #AP-73 (Hw)
37 FR 26275 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
CRAWFORD COUNTY
(Hw) - See Columbia County
DANE COUNTY
Decision #AP-54 (B,H,Hw)
37 FR 25647 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2015-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12520 - 5/11/73

WISCONSIN (Cont'd)

DANE COUNTY (cont'd)
Decision #AP-65 (R)
37 FR 25606 - 12/1/72
Mod. #1 - 38 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
DODGE COUNTY
(Hw) - See Columbia County
DOOR COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
DOUGLAS COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
DUNN COUNTY
(Hw) - See Barron County
EAU CLAIRE COUNTY
Decision #AP-55 (B,H,Hw)
37 FR 25650 - 12/1/72
Mod. #1-38 FR 2016-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12521 - 5/11/73
FLORENCE COUNTY
(Hw) - See Calumet County
FOND DU LAC COUNTY
Decision #AP-75 (Hw)
37 FR 26279 - 12/8/72
Mod. #1-38 FR 2019-1/19/73
Mod. #2-38 FR 12524 - 5/11/73
FOREST COUNTY
(Hw) - See Ashland County
GRANT COUNTY
(Hw) - See Columbia County
GREEN COUNTY
(Hw) - See Columbia County
GREEN LAKE COUNTY
(Hw) - See Adams County
IOWA COUNTY
(Hw) - See Columbia County
IRON COUNTY
(D) - See Ashland County
(Hw) - See Ashland County
JACKSON COUNTY
(Hw) - See Columbia County
JEFFERSON COUNTY
(Hw) - See Columbia County
JUNEAU COUNTY
Decision #AP-56 (B,H,Hw)
37 FR 25654 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2016-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12521 - 5/11/73

WISCONSIN (Cont'd)

KENOSHA COUNTY
Decision #AP-57 (B,H,Hw)
37 FR 25658 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3 - 38 FR 12521 - 5/11/73
KEWAUNEE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
LA CROSSE COUNTY
Decision #AP-58 (B,H,Hw)
37 FR 25662 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2016 - 1/19/73
Mod. #3-38 FR 5112 - 2/23/73
Mod. #4-38 FR 12521 - 5/11/73
Decision #AP-66 (R)
37 FR 25609 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
Mod. #4 - 38 FR 12523 - 5/11/73
LAFAYETTE COUNTY
(Hw) - See Columbia County
LANGLADE COUNTY
(Hw) - See Adams County
LINCOLN COUNTY
(Hw) - See Ashland County
MANITOWOC COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARATHON COUNTY
Decision #AP-59 (B,H,Hw)
37 FR 25666 - 12/1/72
Mod. #1-38 FR 2017-1/19/73
Mod. #2-38 FR 5111-2/23/73
Mod. #3-38 FR 12522 - 5/11/73
MARINETTE COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
MARQUETTE COUNTY
(Hw) - See Adams County
MENOMINEE COUNTY
(Hw) - See Adams County
MILWAUKEE COUNTY
Decision #AP-60 (B,H,Hw)
37 FR 25669 - 12/1/72
Mod. #1-37 FR 28357-12/22/72
Mod. #2-38 FR 2017-1/19/73
Mod. #3-38 FR 5111-2/23/73
Mod. #4-38 FR 12522 - 5/11/73
(D) - See Ashland County
Decision #AP-67 (R)
37 FR 25612 - 12/1/72
Mod. #1 - 37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 5112 - 2/23/73

WISCONSIN (Cont'd)

MONROE COUNTY
(Hw) - See Columbia County
OCONTO COUNTY
(D) - See Ashland County
(Hw) - See Calumet County
ONEIDA COUNTY
(Hw) - See Ashland County
OUTAGAMIE COUNTY
(Hw) - See Calumet County
OZAUKEE COUNTY
(B,H,Hw) - See Milwaukee County
(D) - See Ashland County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
PEPIN COUNTY
(Hw) - See Barron County
PIERCE COUNTY
(Hw) - See Barron County
POLK COUNTY
Decision #AP-61 (B) (H) (Hw)
37 FR 25674 - 12/1/72
Mod. #1-38 FR 2017 - 1/9/72
Mod. #2- 38 FR 12522 - 5/11/73
PORTAGE COUNTY
(Hw) - See Adams County
PRICE COUNTY
(Hw) - See Ashland County
RACINE COUNTY
Decision #AP-62 (B,H,Hw)
37 FR 25678 - 12/1/72
Mod. #1-37 FR 28357 - 12/22/72
Mod. #2-38 FR 2017 - 1/19/73
Mod. #3-38 FR 12522 - 5/11/73
(D) - See Ashland County
RICHLAND COUNTY
(Hw) - See Columbia County
ROCK COUNTY
Decision #AP-63 (B,H,Hw)
37 FR 25682 - 12/1/72
Mod. #1-37 FR 28358 - 12/22/72
Mod. #2-38 FR 2018 - 1/19/73
Mod. #3-38 FR 5111 - 2/23/73
Mod. #4-38 FR 12523 - 5/11/73
RUSK COUNTY
(Hw) - See Ashland County
SAINT CROIX COUNTY
(Hw) - See Barron County
SAUK COUNTY
(Hw) - See Columbia County
SAWYER COUNTY
(Hw) - See Ashland County

WISCONSIN (Cont'd)

SHAWANO COUNTY
(Hw) - See Adams County
SHEBOYGAN COUNTY
(D) - See Ashland County
(Hw) - See Fond du Lac County
TAYLOR COUNTY
(Hw) - See Ashland County
TREMPEALEAU COUNTY
(Hw) - See Barron County
VERNON COUNTY
(Hw) - See Columbia County
VILAS COUNTY
(Hw) - See Ashland County
WALWORTH COUNTY
(Hw) - See Fond du Lac County
WASHBURN COUNTY
(Hw) - See Ashland County
WASHINGTON COUNTY
(B,H,Hw) - See Milwaukee County
(Hw) - See Fond du Lac County
(R) - See Milwaukee County
WAUKESHA COUNTY
(B,H,Hw) - See Milwaukee County
(R) - See Milwaukee County
WAUPACA COUNTY
(Hw) - See Adams County
WAUSHARA COUNTY
(Hw) - See Adams County
WINNEBAGO COUNTY
Decision #AP-64 (B,H,Hw)
37 FR 25686 - 12/1/72
Mod. #1-37 FR 28358 - 12/22/72
Mod. #2 - 38 FR 2018 - 1/19/73
Mod. #3 - 38 FR 5112 - 2/23/73
Mod. #4 - 38 FR 12523 - 5/11/73
WOOD COUNTY
(Hw) - See Adams County

WYOMING

STATEWIDE
Decision #AQ-1010 - (Hw)
38 FR 21732 - 8/10/73
ALBANY COUNTY
(Hw) - See Statewide
BIG HORN COUNTY
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CARBON COUNTY
(Hw) - See Statewide
CONVERSE COUNTY
(Hw) - See Statewide
CROOK COUNTY
(Hw) - See Statewide
FREMONT COUNTY
(Hw) - See Statewide
GOSHEN COUNTY
(Hw) - See Statewide
HOT SPRINGS COUNTY
(Hw) - See Statewide
JOHNSON COUNTY
(Hw) - See Statewide
LARAMIE COUNTY
Decision #AQ-1043 (B,H,Hw)
38 FR 27745 - 10/5/73
LINCOLN COUNTY
(Hw) - See Statewide
NATRONA COUNTY
(Hw) - See Statewide
NIOBRARA COUNTY
(Hw) - See Statewide
PARK COUNTY
(Hw) - See Statewide
PLATTE COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SUBLETTE COUNTY
(Hw) - See Statewide
SWEETWATER COUNTY
(Hw) - See Statewide
TETON COUNTY
(Hw) - See Statewide
UINTA COUNTY
(Hw) - See Statewide
WASHAKIE COUNTY
(Hw) - See Statewide
WESTON COUNTY
(Hw) - See Statewide
YELLOWSTONE NATIONAL PARK COUNTY
(Hw) - See Statewide

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