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PART I



HIGHLIGHTS OF THIS ISSUE

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

MARINE MAMMAL PROTECTION—Commerce Department proposal to reduce incidental taking of porpoises during tuna purse-seining operations; comments by 12-10-73..... 31180

IMMIGRATION—State and Justice Departments revoke student exemption from labor certification requirement (2 documents); effective 12-12-73..... 31166

PRICE CONTROL—CLC ruling on public utility rate exemptions 31165

CUSTOMS RECORDS—Customs Service amendment to facilitate public access; effective 11-12-73..... 31167

CAREER OPPORTUNITIES AND SCHOOL DEVELOPMENT PROGRAMS—HEW notice of deadline for receipt of applications 31198

NEW ANIMAL DRUGS—FDA approves and certifies potassium hecathillin for treatment of cows; effective 11-12-73... 31172

PESTICIDES AND ADDITIVES—
EPA amendment related to dimethyl phosphite on lima beans; effective 11-12-73..... 31174
EPA proposed tolerance for insecticide residues on plaintain; comments by 12-12-73..... 31183
EPA establishes temporary tolerances for chemicals on cotton, soybeans and grain sorghum; withdraws petition for residues on raisins (3 documents) 31202, 31203
FDA notice of withdrawal of petition for additives in beverages and food-packaging material (2 documents).. 31197
FDA notice of filing of petition for 2 pesticide components 31198

(Continued inside)

PART II:

AIR QUALITY PROGRAMS—EPA issues transportation control plans for California..... 31231

PART III:

OVER THE COUNTER DRUGS—

FDA proposed final monograph and procedures for public comment on review panel reports (2 documents); comments by 12-12-73..... 31260, 31269

FDA final order on general requirements; effective 12-12-73..... 31258

REMINDERS

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

Rules Going Into Effect Today

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

page no.
and date

FCC—Radio broadcast services; territorial exclusivity in non-network program arrangements..... 24367; 11-12-73
SOCIAL AND REHABILITATION SERVICE—Financial Assistance Program; compensation received from Volunteer Programs and other programs will not be considered as income..... 25441;
9-13-73

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MEETINGS—

National Credit Union: NCU Board quarterly meeting, 12-6 and 12-7-73	31210
Defense: Defense Intelligence Agency Scientific Advisory Committee, 11-12, 11-15 and 12-14-73	31193
USAF Scientific Advisory Board Strategic Panel, 11-14-73	31193
Civil Rights Commission: State Advisory Committees, 11-14 to 11-17 and 11-29-73 (5 documents)	31200, 31201

HEW: Advisory Committee on Accreditation and Institutional Eligibility, 12-10-73	31198
GSA: Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply, 11-15-73	31209
USDA: Shippers Advisory Committee, 11-20-73	31193
National Endowment for the Arts, Public Media Advisory Panel, 11-14 to 11-17-73	31210

Contents

AGRICULTURAL MARKETING SERVICE

Proposed Rules	
Milk marketing; Nashville, Tenn. area	31179
Notices	
Shippers Advisory Committee; public meeting	31193

AGRICULTURE DEPARTMENT

See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Federal Crop Insurance Corporation; Soil Conservation Service.	
--	--

Rules and Regulations	
Special policemen; appointment of uniformed armed guards	31165

AIR FORCE DEPARTMENT

Notices	
Scientific Advisory Board Strategic Panel; meeting	31193

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations	
Viruses, serums, toxins, and analogous products; standard requirements; correction	31166

ATOMIC ENERGY COMMISSION

Notices	
Philadelphia Electric Co.; availability of final environmental statement	31199

CIVIL AERONAUTICS BOARD

Notices	
Kodiac-Western Alaska Airlines, Inc.; approval of certain lease transactions	31199
Northwest Airlines, Inc.; fifty-two passenger affinity and single entity group fares	31200
Scansped Flight, Inc.; hearing on foreign air carrier permit and indirect foreign air transportation	31200

CIVIL RIGHTS COMMISSION

Notices	
Meetings:	
California State Advisory Committee	31200
Delaware State Advisory Committee	31200

Georgia State Advisory Committee	31201
Kansas State Advisory Committee	31201
Rhode Island State Advisory Committee	31201

COMMERCE DEPARTMENT

See Domestic and International Business Administration; National Oceanic and Atmospheric Administration.

COST OF LIVING COUNCIL

Rules and Regulations	
Phase IV prices; public utility rate exemption	31165

Notices	
Automobile price increases; public hearing	31202

Deputy Administrator and Director of Operations, Office of Food; authority delegation	31201
Health Industry Advisory Committee; meeting	31201

CUSTOMS SERVICE

Rules and Regulations	
Financial and accounting procedures; availability of information	31167

Proposed Rules	
Temporary Customs employees; increase in reimbursable charge	31179

DEFENSE DEPARTMENT

See also Air Force Department.	
Notices	
Defense Intelligence Agency Scientific Advisory Committee; meeting	31193

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Notices	
Decisions on applications for duty-free entry of scientific articles:	
Commerce Department	31195
Philadelphia General Hospital and Good Samaritan Medical Center Hospital	31195
University of California	31196
University of Washington and University of Miami	31196

EDUCATION OFFICE

Notices	
Advisory Committee on Accreditation and Institutional Eligibility; meeting	31198
Career opportunities and urban/rural school development programs; closing date for receipt of applications	31198

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations	
Air programs; California Transportation Control Plan	31231
Dimethyl(2,2,2-Trichloro-1-Hydroxyethyl) phosphate; tolerance and exemptions from tolerances for pesticide chemicals	31174
Revocation of parts dealing with standards-setting conferences, hearings, and notification of alleged violators of water quality standards, etc.	31173

Proposed Rules

Air quality standards; implementation of Hawaii state plan	31183
Pesticides in agricultural commodities; tolerances and exemptions from tolerances	31183

Notices

Crown-Zellerbach Corp.; withdrawal of petition for food additive	31202
Paraquat; establishment of temporary tolerance	31203
Shell Chemical Co.; establishment of temporary tolerances	31203

FARMERS HOME ADMINISTRATION

Notices	
Designation of emergency areas:	
Georgia	31194
South Carolina	31194
Texas	31194

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations	
Waypoint Reference Facility; alteration of jet routes	31166
Proposed Rules	
Terminal control area	31182
VFR weather minimums; withdrawal of proposed rule making	31182

(Continued on next page)

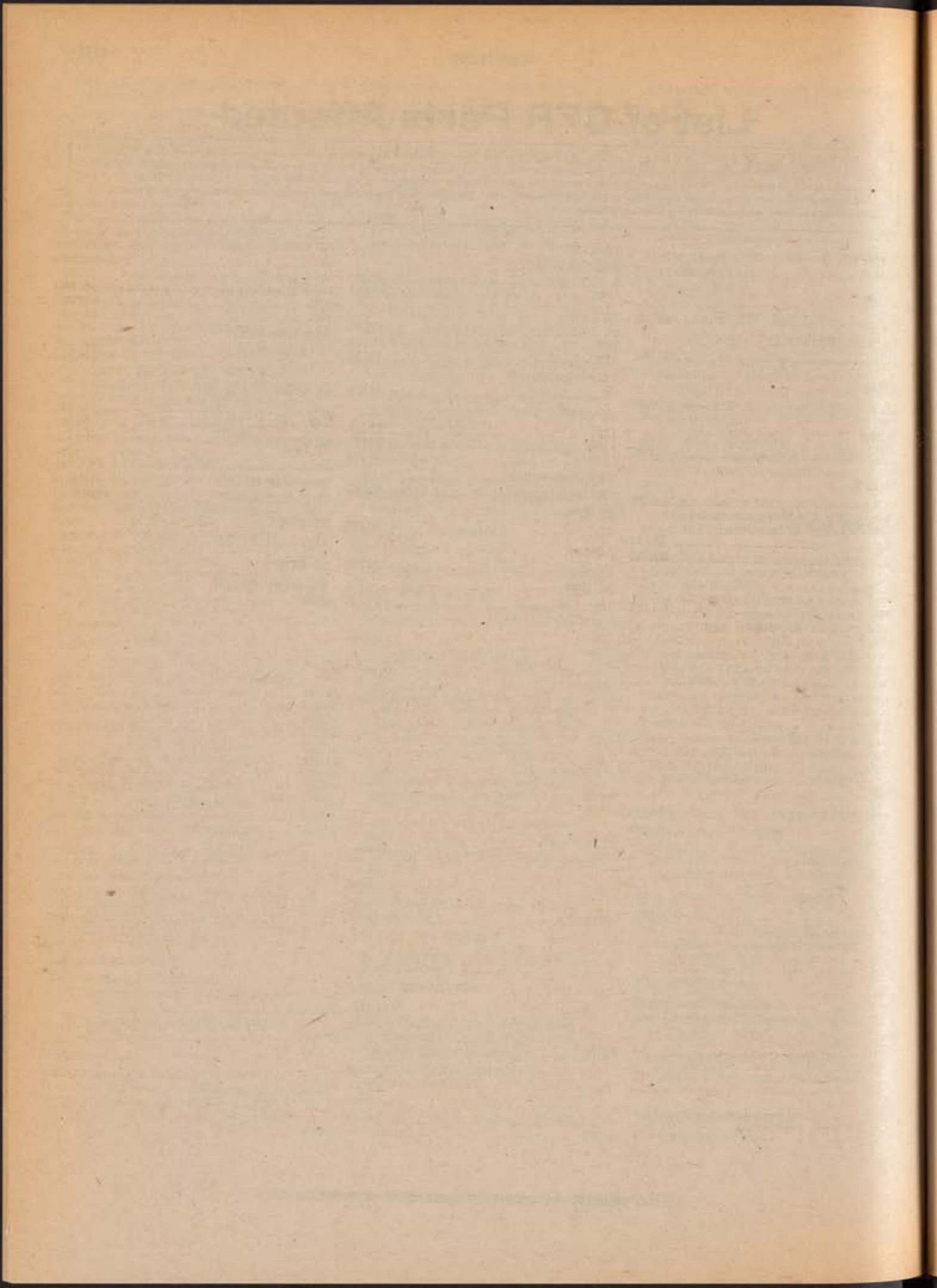
FEDERAL COMMUNICATIONS COMMISSION		Nalco Chemical Co.; filing of petition for food additive.....	31198	NATIONAL ENDOWMENT FOR THE ARTS AND THE HUMANITIES	
Rules and Regulations		Public advisory committees; establishment.....	31197	Notices	
Chief, Broadcast Bureau; delegation of authority.....	31174	GENERAL SERVICES ADMINISTRATION		Public Media Advisory Panel; meeting.....	31210
Proposed Rules		Notices		NATIONAL PARK SERVICE	
Table of assignments; Kingstree, S.C., et al.; extension of time for filing comments.....	31184	Conservation of motor vehicle fuels.....	31210	Notices	
Television stations; proposed inclusion of program identification patterns in visual transmission.....	31184	Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply; meeting.....	31209	Mt. Rainier National Park, Washington; wilderness proposal; public hearings.....	31193
Notices		HEALTH, EDUCATION, AND WELFARE DEPARTMENT		NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION	
Policies relating to the broadcast renewal applicant; extension of time for filing.....	31203	See Education Office; Food and Drug Administration; Social and Rehabilitation Service.		Proposed Rules	
FEDERAL CROP INSURANCE CORPORATION		HOUSING AND URBAN DEVELOPMENT DEPARTMENT		Marine mammals; incidental taking in course of tuna fishing....	31180
Notices		See Federal Insurance Administration; Interstate Land Sales Registration Office.		PANAMA CANAL ZONE	
Wheat in Arizona and California; extension of closing date for filing of applications for 1974 crop year.....	31194	IMMIGRATION AND NATURALIZATION SERVICE		Rules and Regulations	
FEDERAL INSURANCE ADMINISTRATION		Rules and Regulations		Rulemaking; establishment of procedures.....	31223
Rules and Regulations		Students; labor certification exemption.....	31166	SECURITIES AND EXCHANGE COMMISSION	
Areas eligible for the sale of insurance; status of participating communities.....	31173	INTERIOR DEPARTMENT		Rules and Regulations	
FEDERAL POWER COMMISSION		See National Park Service.		Descriptive summary of registration statement; correction.....	31167
Proposed Rules		INTERSTATE COMMERCE COMMISSION		Notices	
Natural gas rates; extension of time for issuance of staff composite schedules.....	31192	Rules and Regulations		Alabama Power Co.; first mortgage bonds and preferred stock.....	31210
Notices		Refrigerator cars; substitution for boxcars.....	31176	Fairfield General, Inc.; suspension of trading.....	31211
Hearings, etc.:		Notices		Fifth Empire Fund, Inc.; application for an order; Investment Co. Act of 1940.....	31211
C. Crady Davis et al.....	31204	Assignment of hearings.....	31216	General Foods Overseas Development Corp.; application for an order; Investment Co. Act of 1940.....	31212
Chevron Oil Co.; the California Co.....	31204	Fourth section applications for relief.....	31216	Inventure Capital Corp. et al.; application for an order; Investment Co. Act of 1940.....	31213
Georgia Power Co.....	31205	Long Island Rail Road Co.; increases in freight rates and charges to offset retirement tax increases.....	31216	Mississippi Power & Light Co.; amendment of mortgage and deed of trust.....	31214
H. J. Headrick.....	31205	Motor Carrier Board transfer proceedings.....	31217	New England Electric System, et al.; increase of short-term borrowing limits.....	31215
Hondo Production Co.....	31206	Motor carrier temporary authority applications (2 documents).....	31217, 31221	United Gibraltar Corp.; suspension of trading.....	31215
Northern Natural Gas Co.....	31206	Motor carrier transfer proceedings.....	31223	SOCIAL AND REHABILITATION SERVICE	
Occidental Petroleum Corp.....	31206	INTERSTATE LAND SALES REGISTRATION OFFICE		Rules and Regulations	
Pennzoll Co.....	30207	Notices		Citizens and aliens; coverage and conditions for financial and medical assistance, correction.....	31174
Philadelphia Electric Co.....	31207	Turf Mobile Estates; order of suspension.....	31198	SOIL CONSERVATION SERVICE	
Transwestern Pipeline Co.....	31208	JUSTICE DEPARTMENT		Notices	
United Gas Pipe Line Co.....	31208	See Immigration and Naturalization Service.		Tillatoba Creek Watershed Project, Miss.; availability of draft environmental statement.....	31194
Western Gas Interstate Co.....	31209	LABOR DEPARTMENT		STATE DEPARTMENT	
FOOD AND DRUG ADMINISTRATION		Notices		Rules and Regulations	
Rules and Regulations		Federal Mogul Corp.; certification of eligibility of workers to apply for adjustment assistance.....	31215	Aliens entering to perform skilled or unskilled labor.....	31172
General conditions for over-the-counter drugs.....	31258	NATIONAL CREDIT UNION ADMINISTRATION		TRANSPORTATION DEPARTMENT	
Potassium Hetacillin; new animal drug for intramammary use.....	31172	Notices		See Federal Aviation Administration.	
Proposed Rules		National Credit Union Board; meeting.....	31210	TREASURY DEPARTMENT	
Over-the-counter drugs:				See Customs Service.	
Public comment on review panel reports.....	31260				
Tentative order for OTC antacid products.....	31269				
Notices					
ICI America, Inc.; withdrawal of petition for food additives.....	31197				
Montecantini Edison, S.P.A.; withdrawal of petition for food additives.....	31197				

List of CFR Parts Affected

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

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

6 CFR		18 CFR		40 CFR	
Ruling	31165	PROPOSED RULES:		52	31232
		2	31192	104	31173
		154	31192	106	31173
7 CFR				107	31173
2	31165	19 CFR		180	31174
		24	31167	PROPOSED RULES:	
PROPOSED RULES:		103	31167	52 (2 documents)	31183
1098	31179	153	31172	180	31183
		PROPOSED RULES:			
8 CFR		19	31179	45 CFR	
212	31186			233	31174
		21 CFR		248	31174
9 CFR		130	31258		
113	31166	135d	31172	47 CFR	
		149c	31172	0	31174
14 CFR		PROPOSED RULES:		PROPOSED RULES:	
75	31166	130 (2 documents)	31260, 31269	73 (2 documents)	31184
PROPOSED RULES:		22 CFR		49 CFR	
71	31182	42	31172	1033	31176
91	31182	24 CFR		50 CFR	
		1914	31173	PROPOSED RULES:	
17 CFR		35 CFR		216	31180
230	31167	70	31177		



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 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL [Phase IV Price Ruling 1973-6]

PUBLIC UTILITY RATE EXEMPTION Phase IV Price Ruling

Facts. Firm A operates a radio broadcasting station, Firm B is a contract motor carrier not under the jurisdiction of the Interstate Commerce Commission, Firm C provides public warehousing services, Firm D is a stock exchange, Firm E operates a marine terminal, and Firm F is a barge line. Each firm asserts that its service is of public consequence or need and that the firm provides the services of a public utility as defined in 6 CFR 150.31.

Issue. Which services are exempt under 6 CFR 150.56, which states that rate increases for commodities or services provided by a public utility are exempt?

Ruling. Division E of the 1972 Standard Industrial Classification Manual "Transportation, Communications, Electric, Gas, and Sanitary Services" is the starting point to determine which services qualify as public utility services. Only services which appear in Division E of the Standard Industrial Classification Manual may qualify for the exemption provided by § 150.56, although some of the services in Division E do not fall within the exemption.

Division E is broken down into three and four-digit industry codes. Most of those codes describe the activities of firms which provide utility services. Some of them describe activities incidental to a public utility service.

Activities within the following industry group numbers are exempt under § 150.56:

- 401 Railroads.
- 404 Railway Express Service.
- 411 Local and Suburban Passenger Transportation.
- 412 Taxicabs.
- 413 Intercity and Rural Highway Passenger Transportation.
- 414 Passenger Transportation Charter Service.
- 415 School Buses.
- 421 Trucking, Local and Long Distance.
- 441 Deep Sea Foreign Transportation.
- 442 Deep Sea Domestic Transportation.
- 443 Great Lakes-St. Lawrence Seaway Transportation.
- 444 Transportation on Rivers and Canals.
- 445 Local Water Transportation.
- 451 Air Transportation, Certificated Carriers.
- 452 Air Transportation, Noncertificated Carriers.
- 461 Pipe Lines, Except Natural Gas.
- 471 Freight Forwarding.

- Sec.
- 481 Telephone Communication (Wire or Radio).
- 482 Telegraph Communication (Wire or Radio).
- 491 Electric Services.
- 492 Gas Production and Distribution.
- 493 Combination Electric and Gas, and Other Utility Services.
- 494 Water Supply.
- 495 Sanitary Services.
- 496 Steam Supply.
- 497 Irrigation Systems.

The rates for services in group Nos. 431 and 483 (U.S. Postal Service and Radio and Television Broadcasting) do not qualify for the public utility rate exemption.

Rates for services within the remaining industry group numbers in Division E, which generally describe activities incidental to a public utility service and are listed below, are exempt only if those revenues are included in the computations setting the rates for public utility services which are otherwise exempt under this ruling. The one exception to this rule is community antenna television services which have been determined to be public utility services in CIC Phase IV Price Ruling 1973-3.

- 417 Terminal and Service Facilities for Motor Vehicle Passenger Transportation.
- 422 Public Warehousing.
- 423 Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation.
- 446 Services Incidental to Water Transportation.
- 458 Fixed Facilities and Services Related to Air Transportation.
- 472 Arrangement of Transportation.
- 474 Rental of Railroad Cars.
- 478 Miscellaneous Services Incidental to Transportation.
- 489 Communication Services, Not Elsewhere Classified.

Based upon the foregoing, Firm A's radio broadcasting activities are not exempt since those activities are within group No. 483 (Radio and Television Broadcasting), a group which does not qualify for the public utility rate exemption.

Firm B's contract motor carriage activities fall within group No. 421 (Trucking, Local and Long Distance) and are exempt.

Firm C's public warehousing activities fall within group No. 422 (Public Warehousing) and are not exempt unless the revenues received are included in the computations setting the rates for services which are identified as public utility services in this ruling.

Firm D, the stock exchange, falls within group No. 623 (Security and

Commodity Exchanges), which is in Division H of the Standard Industrial Classification Manual, and is therefore not exempt as a public utility.

Firm E's marine terminal activities fall within group No. 446 (Services Incidental to Water Transportation) and are not exempt unless the revenues received are included in the computations setting the rates for services which are identified as public utility services in this ruling.

Section 150.56 exempts only rates for public utility services, not all activities of firms engaged in providing those services. Therefore, the portion of a firm's business which is not listed in Division E is not subject to the exemption. Examples of those types of activities have been given in the introduction to the division and include: maintenance and repair of physical facilities; repair of railroad cars and engines, if done for other companies; sales of electric and gas appliances to household consumers; ice manufacturing. The list of examples is not a complete one, but is intended to serve as a guide.

ANDREW T. H. MUNROE,
Acting General Counsel,
Cost of Living Council.

NOVEMBER 6, 1973.

[FR Doc. 73-23978 Filed 11-7-73; 9:46 am]

Title 7—Department of Agriculture SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Appointment of Uniformed Armed Guards as Special Policemen

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to delegate to the Assistant Secretary for Conservation, Research, and Education, and to redelegate to the Administrator, Agricultural Research Service, the authority to appoint uniformed armed guards as special policemen at certain locations, and to make all needful rules and regulations pursuant to authority delegated to the Secretary by the Administrator, General Services Administration.

These delegations supersede the delegations to the Director, Science and Education, and to the Administrator, Agricultural Research Service, appearing in 36 FR 21706.

Sections 2.19(a) and 2.57(a) (23) are amended as follows: