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 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 19]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Retention of Standards of Eligibility for Certifying Households as in Need of Food Assistance

The regulations for the operation of the Food Distribution Program (31 FR 14297), as amended, are further amended to provide that State agencies shall continue to use, after December 31, 1973, the same standards in determining the eligibility of applicant households as in need of food assistance which were approved for use by the Food and Nutrition Service as of that date. The Regulations currently provide that such standards shall include maximum income limitations consistant with those used by the State agency in administration of its Federally aided public assistance programs. P.L. 92-603 federalizes, effective January 1, 1974, all public assistance programs, other than the Program of Aid to Families with Dependent Children, which were Federally aided prior to that date.

The income and resource standards used by States in determining the amount of a grant to families with dependent children are generally more restrictive than the standards used in determining the amount of a grant to other needy persons.

This amendment precludes the necessity for State agencies to adopt more stringent eligibility criteria after December 31, 1973, when the only Federally aided public assistance program will be the Program of Aid to Families with Dependent Children. Compliance with proposed rulemaking and public participation procedures is impracticable and unnecessary.

In § 250.6, paragraph (e) subparagraph (5) is revised to read as follows:

§ 250.6 Obligations of distributing agencies.

* * * * *

(e) * * *

(5) *The specific criteria to be used in certifying households as in need of food assistance.* In determining the eligibility of applicant households, each State agency shall continue to use, after December 31, 1973, the income and resource standards used as of that date which were incorporated in a plan of operation approved by FNS, unless an amendment to such standards is required or approved by FNS.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services).

This amendment shall become effective on December 31, 1973.

Dated: December 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-26145 Filed 12-7-73;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 301; Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 30–December 6, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(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 an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 301 (38 FR 32921). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, 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 amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) of § 907.601 (Navel Orange Regulation 301 (38 FR 32921)) are hereby amended to read as follows:

§ 907.601 Navel Orange Regulation 301.

* * * * *

(b) *Order.* (1) * * *

(i) District 1: 1,150,000 cartons.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: December 5, 1973.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73-26147 Filed 12-7-73;8:45 am]

Title 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

General Bonding Provisions, Market Agency and Dealer Bonds

On July 29, 1971, notice was published (36 FR 14012) of proposed amendments to §§ 201.5, 201.10, 201.13, 201.27, 201.29, 201.30, 201.33, and 201.34 (9 CFR 201.5, 201.10, 201.13, 201.27, 201.29, 201.30, 201.33, and 201.34) of the regulations under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

The proposed amendments to §§ 201.5, 201.10, and 201.13 are already in effect (36 FR 23139).

On December 21, 1972, notice was published (37 FR 28186) that further action with respect to § 201.30 was being postponed. Notice was also published of proposed amendments to §§ 201.27, 201.29, 201.33, and 201.34. Any person who wished to submit written data, views, or arguments concerning the proposed amendments was invited to do so. After consideration of all relevant matter submitted by interested persons, the decision has been made to issue the amendments as proposed with certain nonsubstantive changes.

These amendments refer to the requirements for surety bonds to be filed by livestock market agencies and dealers, or trust fund agreements filed in lieu of such surety bonds. The purposes of these amendments are: to assure the safety of funds subject to such trust fund agreements filed in lieu of surety bonds and to clarify that the cash surrender value rather than the face amounts of securities subject to such agreements, shall be viewed in determining whether such funds are sufficient to meet the requirements; to suggest forms for such surety bonds and such trust fund agreements, which will comply with the regulations; to clarify the bonding requirements relating to separate buying and selling activities; to expedite the disposition of claims on such surety bonds and trust fund agreements, by providing a time limit for the filing of such claims, by providing a time delay before the filing of suit on such claims, and by providing a time limit for the filing of such suits; to prevent the depletion of the proceeds of such surety bonds and trust funds by payment for legal representation of surety or principal; and to clarify the present provisions with respect to termination of such surety bonds and impose the same requirements with respect to termination of the bond coverage of clearees, as are now in effect with respect to termination of surety bonds.

Accordingly, of the regulations under the Packers and Stockyards Act, § 201.27 is hereby amended by revising the caption and paragraph (b) thereof, and issuing a new paragraph (c) thereof, and §§ 201.29(b), 201.33, and 201.34 are hereby revised (9 CFR §§ 201.27, 201.29, 201.33, and 201.34), to read as follows:

GENERAL BONDING PROVISIONS

§ 201.27 Underwriter; equivalent in lieu of bonds; standard forms.

* * * * *

(b) A bond equivalent may be filed in lieu of a bond. A bond equivalent shall be in the form of a trust fund agreement based on funds actually deposited and readily convertible to currency in the amount required by § 201.30. Such funds shall be invested or deposited, in the name of a trustee as set forth in § 201.32, in: (1) Fully negotiable obligations of the United States, or (2) deposits or accounts fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, but no more of such funds shall be invested or deposited in any one such institution, than is so insured. The provisions of §§ 201.27 through 201.38 shall be applicable to such trust fund agreements.

(c) The following forms of a bond and trust fund agreement are suggested for use in connection with the filing of bonds or bond equivalents as required by these regulations:

Bond No. __________

BOND REQUIRED OF LIVESTOCK MARKET AGENCIES AND DEALERS UNDER THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Know all men by these presents, that we____ of ____ as Principal, and____ as Surety, are held and firmly bound unto____

(Trustee need not be named unless required by State, principal, or surety)

(or his successors in official position, if any) as Trustee for all persons who may be damaged through the breach of this bond, as Obligee, in the aggregate sum of__________Dollars ($__________), lawful money of the United States of America, for the payment whereof to the Obligee we bind ourselves, our heirs, executors, administrators, successors and assigns jointly and severally by these presents.

Signed, sealed and dated this__________day of__________, 19____.

Now, Therefore, the Condition of this Bond is such that:

Applicable if Principal SELLS on commission:	(1) If the said Principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said Principal,
Applicable if Principal BUYS on commission or as a dealer:	(2) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account or for the accounts of others, and if the said Principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others,
Applicable if others clear through Principal:	(3) If the said Principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration),

of if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such Principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others,

then this bond shall be null and void, otherwise to remain in full force and virtue, subject to the following terms, conditions, and limitations:

(a) This bond shall apply only to transactions occurring on or at any time after the date hereof, and before the effective date of termination hereof as hereinafter provided.

(b) Payment by the Surety to a claimant or to the Trustee in settlement of one or more claims shall discharge the Surety as to those claims and shall reduce the penal sum of this bond to the extent of such payment or payments.

(c) Any person damaged by failure of the Principal to comply with any condition clause of this bond, may maintain suit in his own name to recover on this bond even though such person is not a party named in this bond. The Trustee may maintain suit in his own name, the recovery to be made for the use of the persons damaged. Principal and Surety hereby waive every defense, if any there be, based on the fact that any person damaged or in whose name a suit shall be brought, is not a party or privy to this bond.

(d) Any claim for recovery on this bond must be filed in writing with either the Surety, or the Trustee if one is named, or the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, and whichever of these parties receives such a claim shall notify the other such party or parties at the earliest practicable date. All claims must be filed within 120 days of the date of the transaction on which mlaim is made. Suit thereon shall not be commenced in less than 180 days or more than 547 days (*which is approximately 18 months*) from the date of the transaction on which the claim is based.

(e) The Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, is authorized to designate a trustee to represent all claimants under this bond if (1) any claim is filed or any action is required to recover damages for breach of any condition of this bond, and if (2) a trustee is not designated herein or the trustee designated herein fails or is unable to act or serve.

(f) The Surety shall not be liable to pay any claim for recovery on this bond if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(g) The proceeds of this bond shall not be used to pay fees, salaries, or expenses for legal representation of the Surety or the Principal.

(h) The term "person" as used in this bond shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals, and the heirs, executors, administrators, successors, or assigns thereof.

(i) The acts, omissions or failures of authorized agents or representatives of said Principal or persons whom said Principal shall knowingly permit to represent themselves as acting for said Principal shall be taken and construed to be the acts, omissions, or failures of said Principal and to be within the protection of this bond to the same extent and in the same manner as if they were the personal acts of said Principal.

(j) Termination of the clearance of a registrant under condition clause 3 of this bond may be accomplished by issuance of a rider or endorsement by the Surety herein deducting the name of the clearee. Termination of the clearance shall become effective thirty (30) days after the date of receipt of the rider or endorsement by the Administrator, Packers and Stockyards Administration, Washington, D.C.

(k) This bond may be terminated by either party hereto delivering written notice of termination to the other party and the Administrator of the Packers and Stockyards Administration at Washington, D.C., at least thirty (30) days prior to the effective date of such termination. In the event that the Surety named herein writes a new bond to replace this bond for the same principal named herein, the 30-day termination provision will be waived, and this bond will become terminated as of the effective date of the replacement bond. Immediately upon filing of a claim for recovery on this bond, unless the Surety believes that such claim is frivolous, the Surety shall cause termination of this bond in accordance with this paragraph.

(l) A fully executed duplicate of this bond and of any endorsement, amendment, rider, or other attachment hereto, shall be filed with the Area Supervisor, Packers and Stockyards Administration, for the area in which the Principal resides or has his or its principal place of business.

(m) Conditions ______ and ______ were deleted prior to execution and are not part hereof.

In witness whereof the parties hereto have executed this bond under their seals on the day and date appearing herein.

______ [SEAL]
(Principal)

By ______

______ [SEAL]
(Surety)

By ______

______ [SEAL]
(Trustee—if named)

TRUST FUND AGREEMENT IN LIEU OF BOND REQUIRED OF LIVESTOCK MARKET AGENCIES AND DEALERS UNDER THE PACKERS AND STOCKYARDS ACT, 1921, AS AMENDED

Whereas, the provisions of the Packers and Stockyards Act, 1921, as amended and supplemented, and the regulations of the Secretary of Agriculture issued pursuant thereto, require a good and sufficient surety bond or its equivalent of all market agencies and dealers as defined in the Packers and Stockyards Act to cover their obligations as such; and

Whereas, ______, hereinafter known as the Principal, is engaged in business as a market agency or dealer as defined in the Packers and Stockyards Act.

Now, therefore, the sum of ______ dollars ($ ______), invested as follows:

______

______

______

is hereby deposited by ______
(name of Principal)

with ______
(name of Trustee)

as Trustee, for the following purposes and subject to the following conditions:

Applicable if Principal SELLS on commission:

(1) If the said Principal shall pay when due to the person or persons entitled thereto the gross amount, less lawful charges, for which all livestock is sold for the accounts of others by said Principal.

Applicable if Principal BUYS on commission or as a dealer:

(2) If the said Principal shall pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by said Principal for his own account or for the accounts of others, and if the said Principal shall safely keep and properly disburse all funds, if any, which come into his hands for the purpose of paying for livestock purchased for the accounts of others.

Applicable if others clear through Principal:

(3) If the said Principal, acting as a clearing agency responsible for the financial obligations of other registrants engaged in buying livestock, viz.: (insert here the names of such other registrants as they appear in the application for registration), or if such other registrants, shall (1) pay when due to the person or persons entitled thereto the purchase price of all livestock purchased by such other registrants for their own account or for the accounts of others and (2) safely keep and properly disburse all funds coming into the hands of such Principal or such other registrants for the purpose of paying for livestock purchased for the accounts of others.

then this fund shall not be liable; but if there shall be any defaults, failures, or neglects under any one or more of said conditions, then this fund shall be liable, subject to the following terms, conditions and limitations:

(a) This trust fund agreement shall apply only to transactions occurring on or at any time after the date hereof, and before the effective date of termination hereof as hereinafter provided.

(b) Payment by the Trustee to a claimant in settlement of one or more claims shall discharge the Trustee as to those claims and shall reduce the amount of this fund to the extent of such payment or payments.

(c) Any person damaged by failure of the Principal to comply with any condition clause of this agreement, may maintain suit in his own name to recover on this agreement even though such person is not a party named in this agreement. Principal and Trustee hereby waive every defense, if any there be, based on the fact that any person damaged or in whose name a suit shall be brought, is not a party or privy to this agreement.

(d) Any claim for recovery on this agreement may be filed with either the Trustee or the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, and whichever of these parties receives such a claim shall notify the other such party at the earliest practicable date. All claims must be filed within 120 days of the date of the transaction on which claim is made. Suit thereon shall not be commenced in less than 180 or more than 547 days (*which is approximately 18 months*) from the date of the transaction on which the claim is based.

(e) The Administrator, Packers and Stockyards Administration, United States Department of Agriculture, is authorized to designate a person to act as Trustee under this agreement if the Trustee designated herein fails or is unable to act or serve. In the event of such designation by the Administrator, all assets of the trust fund to which this agreement refers, shall be paid over to the person so designated by the Administrator.

(f) The Trustee shall not be liable to pay any claim for recovery on this agreement if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based.

(g) The trust fund shall not be used to pay fees, salaries, or expenses, for legal representation of the Principal.

(h) The term "person" as used in this agreement shall be construed to mean and include both singular and plural, corporations, partnerships, associations, individuals, and the heirs, executors, administrators, successors, or assigns thereof.

(i) The acts, omissions, or failures of authorized agents or representatives of said Principal or persons whom said Principal shall knowingly permit to represent themselves as acting for said Principal shall be taken and construed to be the acts, omissions, or failures of said Principal and to be within the protection of this agreement to the same extent and in the same manner as if they were the personal acts of said Principal.

(j) Termination of the clearance of a registrant under condition clause 3 of this trust fund agreement may be accomplished by issuance of a rider deducting the name of the clearee. Termination of the clearance shall become effective thirty days after the date of receipt of the rider by the Administrator, Packers and Stockyards Administration, Washington, D.C.

(k) This agreement may be terminated by either party hereto delivering written notice of termination to the other party and the Administrator of the Packers and Stockyards Administration at Washington, D.C., at least 30 days prior to the effective date of such termination. In no case shall the funds deposited with the Trustee herein be returned to the Principal until a Trust Fund Agreement Special Report Form P&SA-5, has been submitted by the Principal to the Administrator of the Packers and Stockyards Administration certifying that all obligations arising under the conditions of this agreement prior to the effective date of its termination have been discharged and authorization for the release of the funds has been received from the Administrator. Immediately upon filing of a claim for recovery on this agreement, unless the Trustee believes that such claim is frivolous, the Trustee shall cause termination of this agreement in accordance with this paragraph.

(l) The interest or dividends accruing on the above described bonds or other securities are to be delivered by the Trustee to ______ ______ hereby accepts the trust hereunder and agrees that it will hold all the bonds or other securities herein described, under the above agreement.

(m) A fully executed duplicate of this agreement, and of any endorsement, amendment, rider, or other attachment hereto, shall be filed with the Area Supervisor, Packers and Stockyards Administration, for the area in which the Principal resides or has his or its principal place of business.

(n) The securities pledged by the principal under this agreement may be disbursed to known valid claimants by the Trustee after he has been presented with a sworn proof of claim form and other papers to support such claims. In the event that claims filed against this agreement exceed the penal sum of the securities pledged hereunder, the securities shall be prorated to the known valid claimants by the Trustee. The Trustee named herein shall determine the total amount of claims prior to disbursing any portion of the securities pledged under this trust fund agreement.

(o) Conditions ____________________ and ________________ were deleted prior to execution and are not part hereof.

Signed at ________________ this ________ day of ____________, 19______.

I accept the obligations as Trustee:

____________________ [Seal]
(Signature of Trustee)

____________________ [Seal]
(Signature of Principal)

§ 201.29 **Market agencies and dealers required to file and maintain bonds.**

* * * * *

(b) Every market agency buying on a commission basis and every dealer buying for his own account or for the accounts of others shall file and maintain a bond to secure the performance of his buying obligations, such bond to contain condition clause No. 2 as set forth in § 201.31(b) of these regulations. If a registrant operates as both a market agency buying on a commission basis and as a dealer, only one bond to cover both buying operations need be filed. Any person operating as a market agency selling on a commission basis and as a market agency buying on a commission basis or as a dealer, shall file and maintain separate bonds to cover his selling and buying operations. The bond maintained for his selling operations shall contain condition clause No. 1 set forth in § 201.31(a) of these regulations and the bond for his buying operations shall contain condition clause No. 2 of § 201.31(b) of the regulations in this part.

* * * * *

§ 201.33 **Persons damaged may maintain suit; filing and notification of claims; time limitations; legal expenses.**

Each bond and each trust fund agreement filed pursuant to the regulations in this part shall contain provisions that:

(a) Any person damaged by failure of the principal to comply with any condition clause of the bond or trust fund agreement may maintain suit to recover on the bond or trust fund agreement even though such person is not a party named in the bond or trust fund agreement;

(b) Any claim for recovery on the bond or trust fund agreement must be filed in writing with either the surety, if any, or the trustee, if any, or the Administrator, and whichever of these parties receives such a claim shall notify the other such party or parties at the earliest practicable date;

(c) The Administrator is authorized to designate a trustee pursuant to § 201.32;

(d) The surety on the bond, or the trust fund, as the case may be, shall not be liable to pay any claim if it is not filed in writing within 120 days from the date of the transaction on which the claim is based, or if suit thereon is commenced less than 180 or more than 547 days (which is approximately 18 months) from the date of the transaction on which the claim is based;

(e) The proceeds of the bond, or the trust fund, as the case may be, shall not be used to pay fees, salaries, or expenses, for legal representation of the surety or the principal.

§ 201.34 **Termination of market agency and dealer bonds.**

(a) Each bond shall contain a provision requiring that, prior to terminating such bond, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the party terminating the bond. Such provision may state that in the event the surety named therein writes a replacement bond for the same principal, the 30-day notice requirement may be waived and the bond will be terminated as of the effective date of the replacement bond.

(b) Each bond filed by a market agency who clears other registrants who are named in the bond shall contain a provision requiring that, prior to terminating the bond coverage of any clearee named therein, at least 30 days' notice in writing shall be given to the Administrator, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, by the surety. Such written notice shall be in the form of a rider or endorsement to be attached to the bond of the clearing agency.

The language of the amendments differs in certain respects from that contained in the notices of proposed rulemaking published in the FEDERAL REGISTER. The changes are not of a substantive nature. It is found, therefore, that further notice and public procedure thereon are unnecessary.

These amendments shall become effective on March 1, 1974: *Provided, however*, That all market agencies and dealers who have surety bonds in effect on March 1, 1974, shall have until the next anniversary date of such bonds to modify such bonds in accordance with these amendments, and market agencies and dealers who have bond equivalents in the form of trust fund agreements in effect on March 1, 1974, shall have until September 1, 1974, to modify such equivalents in accordance with these amendments.

Done at Washington, D.C., December 4, 1973.

(Sec. 407 of the Packers and Stockyards Act, 42 Stat. 159, as amended, 7 U.S.C. 228; and 57 Stat. 422, 7 U.S.C. 204; 37 FR 28463 et seq.)

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-26150 Filed 12-7-73;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

TRANSFER OF RADIOACTIVE MATERIAL

Requirements

The Atomic Energy Commission published in the FEDERAL REGISTER on February 13, 1973 (38 FR 4351) proposed amendments to its regulations in 10 CFR Parts 30, 40, and 70 to specify requirements for the transfer by licensees of byproduct material, source material, and special nuclear material.

Interested persons were invited to submit written comments or suggestions for consideration in connection with the proposed amendments within 45 days after publication of the notice of proposed rule making in the FEDERAL REGISTER.

After consideration of the comments received and other factors involved, the Commission has adopted the proposed amendments to 10 CFR Parts 30, 40, and 70, with certain modifications, and has also amended 10 CFR Parts 31 and 150 to incorporate appropriate cross-references therein to the new and amended sections of Part 30, 40, and 70. The changes in the effective rule from the proposed rule, based primarily on the public comments received, are summarized as follows:

(1) Some Agreement States require registration of devices containing generally licensed radioactive material after receipt of the material. Since such registration provisions do not require verification prior to transfer of the material, §§ 30.41(c), 40.51(c), and 70.42(c) have been modified to require verification only of transferees' general licenses which require the licensee to register with the Commission or an Agreement State prior to receipt of the radioactive material.

(2) A conforming change has been made in § 31.2(a) of 10 CFR Part 31 to include § 30.41 in the list of cross-referenced sections to which the general licenses in 10 CFR Part 31 are subject.

(3) New §§ 70.42(a) (3) and (4) are added to 10 CFR Part 70 to clarify that transfers of special nuclear material may be made to contractors of the Commission and carriers who are exempt from the requirements for a license pursuant to §§ 70.11 and 70.12 of that part and equivalent Agreement State regulations. Paragraph 70.42(a) (3) and (4) are renumbered §§ 70.42(a) (5) and (6), respectively.

(4) A conforming change has been made in § 150.20(b) of 10 CFR Part 150 to include §§ 30.41, 40.51, and 70.42 in the list of cross-referenced sections to which the general license in § 150.20 is subject.

Several suppliers of radioactive material commented that a reasonable time should be permitted for them to set up a transferee verification system and obtain appropriate information from their customers. Accordingly, the effective date of these amendments will be March 11, 1974.

Several commercial suppliers of radioactive material and a trade association indicated resistance on the part of customers to past efforts by the suppliers to obtain licensing information from their customers. These commentators suggested that transferees be required to furnish information for verification of their licensed status in addition to transferors being required to verify the licensed status of transferees. The customer resistance referred to occurred at a time when there was no specific requirement for suppliers to obtain copies of customers' licenses or similar documentation and when not all suppliers were asking for such documentation. However, under the requirements now being added to §§ 30.41 (c) and (d), 40.51 (c) and (d), and 70.42 (c) and (d) for all transferors to verify the licensed status of transferees, if a potential transferee should fail to provide the appropriate verification information to the supplier, the supplier would be precluded from making the transfer. Since this requirement would be imposed on all suppliers and all transfers, this should be ample motivation for transferees to furnish the appropriate information. On the other hand, since suppliers need not transfer radioactive material to any customer who does not furnish appropriate licensing information, it is not necessary to specify in the regulations a requirement for transferees to furnish such information.

Three commentators suggested that the verification of a transferee's authorization to receive radioactive material should refer only to quantity authorized and should not include information on the type and form of radioactive material. Information on type and form of radioactive material is necessary because some licensees are authorized to receive and possess some, but not all, types and forms of materials (e.g., specific radioisotopes, sealed sources or specified radiopharmaceuticals). Accordingly, the amendments which follow retain the requirement for information as to type and form, as well as quantity, of radioactive material which the transferee is authorized to receive.

Two commentators questioned how a supplier would know that a customer's license was current. In practice, very few amendments of AEC licenses revoke or reduce the quantity, type or form of material previously authorized to be possessed. A supplier may assume that a transferee's license which authorizes receipt of the material to be transferred is valid unless he has actual notice that it has been revoked or amended in such manner as to no longer authorize the receipt of the material to be transferred.

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 of Title 10, Chapter I, Code of Federal Regulations, Parts 30, 31, 40, 70, and 150 are published as a document subject to codification.

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

1. Paragraph (c) of § 30.34 of 10 CFR Part 30 is amended by adding a period in the second sentence after the words "and import byproduct material" and by deleting the balance of the sentence. The paragraph, as revised, will read as follows:

§ 30.34 Terms and conditions of licenses.

* * * * *

(c) Each person licensed by the Commission pursuant to the regulations in this part and Parts 31-36 shall confine his possession and use of the byproduct material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part and Parts 31-36 of this chapter shall carry with it the right to receive, acquire, own, possess, and import byproduct material. Preparation for shipment and transport of byproduct material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

2. A new § 30.41 is added to 10 CFR Part 30 to read as follows:

§ 30.41 Transfer of byproduct material.

(a) No licensee shall transfer byproduct material except as authorized pursuant to this section.

(b) Except as otherwise provided in his license and subject to the provisions of paragraphs (c) and (d) of this section, any licensee may transfer byproduct material:

(1) To the Commission;

(2) To the agency in any Agreement State which regulates radioactive materials pursuant to an agreement with the Atomic Energy Commission under section 274 of the Act;

(3) To any person exempt from the licensing requirements of the Act and regulations in this part, to the extent permitted under such exemption;

(4) To any person in an Agreement State, subject to the jurisdiction of that State, who has been exempted from the licensing requirements and regulations of that State, to the extent permitted under such exemption;

(5) To any person authorized to receive such byproduct material under terms of a specific license or a general license or their equivalents issued by the Commission or an Agreement State; or

(6) As otherwise authorized by the Commission in writing.

(c) Before transferring byproduct material to a specific licensee of the Commission or an Agreement State or to a general licensee who is required to register with the Commission or with an Agreement State prior to receipt of the byproduct material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of byproduct material to be transferred.

(d) The following methods for the verification required by paragraph (c) of this section are acceptable:

(1) The transferor may have in his possession, and read, a current copy of the transferee's specific license or registration certificate;

(2) The transferor may have in his possession a written certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of byproduct material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

(3) For emergency shipments the transferor may accept oral certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of byproduct material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date: *Provided*, That the oral certification is confirmed in writing within 10 days;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the Commission or the licensing agency of an Agreement State as to the identity of licensees and the scope and expiration dates of licenses and registration; or

(5) When none of the methods of verification described in paragraphs (d) (1) to (4) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the byproduct material.

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

§ 31.2 [Amended]

3. In paragraph (a) of § 31.2 "30.41," is added between "(e)," and "30.51".

4. Paragraph (c) of § 40.41 is amended by adding a period in the second sentence after the words "and import source material" and by deleting the balance of the sentence. The paragraph, as revised, will read as follows:

§ 40.41 Terms and conditions of licenses.

* * * * *

(c) Each person licensed by the Commission pursuant to the regulations in this part shall confine his possession and use of source material to the locations and purposes authorized in the license. Except as otherwise provided in the license, a license issued pursuant to the regulations in this part shall carry with it the right to receive, possess, use and import source material. Preparation for shipment and transport of source material shall be in accordance with the provisions of Part 71 of this chapter.

PART 40—LICENSING OF SOURCE MATERIAL

5. Section 40.51 is amended to read as follows:

§ 40.51 **Transfer of source material.**

(a) No licensee shall transfer source material except as authorized pursuant to this section.

(b) Except as otherwise provided in his license and subject to the provisions of paragraphs (c) and (d) of this section, any licensee may transfer source material:

(1) To the Commission;

(2) To the agency in any Agreement State which regulates radioactive materials pursuant to an agreement with the Atomic Energy Commission under section 274 of the Act;

(3) To any person exempt from the licensing requirements of the Act and regulations in this part, to the extent permitted under such exemption;

(4) To any person in an Agreement State subject to the jurisdiction of that State who has been exempted from the licensing requirements and regulations of that State, to the extent permitted under such exemption;

(5) To any person authorized to receive such source material under terms of a specific license or a general license or their equivalents issued by the Commission or an Agreement State; or

(6) As otherwise authorized by the Commission in writing.

(c) Before transferring source material to a specific licensee of the Commission or an Agreement State or to a general licensee who is required to register with the Commission or with an Agreement State prior to receipt of the source material, the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of source material to be transferred.

(d) The following methods for the verification required by paragraph (c) of this section are acceptable:

(1) The transferor may have in his possession, and read, a current copy of the transferee's specific license or registration certificate;

(2) The transferor may have in his possession a written certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of source material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

(3) For emergency shipments the transferor may accept oral certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of source material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date: *Provided*, That the oral certification is confirmed in writing within 10 days;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the Commission or the licensing agency of an Agreement State as to the identity of licensees and the scope and expiration dates of licenses and registrations; or

(5) When none of the methods of verification described in paragraphs (d) (1) to (4) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the source material.

PART 70—SPECIAL NUCLEAR MATERIAL

6. Paragraph (a) of § 70.41 is amended by changing the words "possess, use and transfer" in the second sentence to "possess and use". The paragraph, as revised, will read as follows:

§ 70.41 **Authorized use of special nuclear material.**

(a) Each licensee shall confine his possession and use of special nuclear material to the locations and purposes authorized in his license. Except as otherwise provided in the license, each license issued pursuant to the regulations in this part shall carry with it the right to receive title to, own, acquire, receive, possess and use special nuclear material. Preparation for shipment and transport of special nuclear material shall be in accordance with the provisions of Part 71 of this chapter.

* * * * *

7. Section 70.42 is amended to read as follows:

§ 70.42 **Transfer of special nuclear material.**

(a) No licensee shall transfer special nuclear material except as authorized pursuant to this section.

(b) Except as otherwise provided in his license and subject to the provisions of paragraphs (c) and (d) of this section, any licensee may transfer special nuclear material:

(1) To the Commission;

(2) To the agency in any Agreement State which regulates radioactive materials pursuant to an agreement with the Atomic Energy Commission under section 274 of the Act, if the quantity transferred is not sufficient to form a critical mass;

(3) To any person exempt from the licensing requirements of the Act and regulations in this part, to the extent permitted under such exemption;

(4) To any person in an Agreement State, subject to the jurisdiction of that State, who has been exempted from the licensing requirements and regulations of that State, to the extent permitted under such exemption;

(5) To any person authorized to receive such special nuclear material under terms of a specific license or a general license or their equivalents issued by the Commission or an Agreement State; or

(6) As otherwise authorized by the Commission in writing.

(c) Before transferring special nuclear material to a specific licensee of the Commission or an Agreement State or to a general licensee who is required to register with the Commission or with an Agreement State prior to receipt of the special nuclear material, the licensee transferring the material shall verify that the transferee's license authorizes receipt of the type, form, and quantity of special nuclear material to be transferred.

(d) The following methods for the verification required by paragraph (c) of this section are acceptable:

(1) The transferor may have in his possession, and read, a current copy of the transferee's specific license or registration certificate;

(2) The transferor may have in his possession a written certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date;

(3) For emergency shipments the transferor may accept oral certification by the transferee that he is authorized by license or registration certificate to receive the type, form, and quantity of special nuclear material to be transferred, specifying the license or registration certificate number, issuing agency and expiration date: *Provided*, That the oral certification is confirmed in writing within 10 days;

(4) The transferor may obtain other sources of information compiled by a reporting service from official records of the Commission or the licensing agency of an Agreement State as to the identity of licensees and the scope and expiration dates of licenses and registrations; or

(5) When none of the methods of verification described in paragraphs (d) (1) to (4) of this section are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the Commission or the licensing agency of an Agreement State that the transferee is licensed to receive the special nuclear material.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

8. The first sentence of paragraph (b) of § 150.20 Part 150 is amended to read as follows:

§ 150.20 **Recognition of Agreement State licenses.**

* * * * *

(b) Notwithstanding any provision to the contrary in any specific license issued by an Agreement State to a person who engages in activities in a non-Agreement State under a general license provided in this section, the general license provided in this section is subject to the provisions of §§ 30.14(d), 30.34, 30.41, and 30.51 to 30.63 inclusive of Part 30 of this chapter; §§ 40.41, 40.51, 40.61 to 40.63 inclusive, 40.71, and 40.81 of Part 40 of this chapter; and §§ 70.32, 70.42, 70.51 to 70.56 inclusive, 70.61, 70.62, and 70.71 of Part 70 of this chapter; and to the provisions of Parts 19, 20, and 71 and Subpart B of Part 34 of this chapter. * * *

* * * * *

Effective date. The foregoing amendments become effective on March 11, 1974.

(Sec. 161, Pub. Law 83-703, 68 Stat. 948 (42 U.S.C. 2201).)

Dated at Germantown, Md., this 3d day of December 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-26035 Filed 12-7-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-21-AD; Amdt. 39-1751]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model B19 Airplanes

An Airworthiness Directive (AD) was adopted on November 6, 1973, and made effective immediately as to all known owners of Beech Model B19 (Serial Numbers MB-481 through MB-616) airplanes. The AD was issued because as of a result of flight testing by the manufacturer it was determined that this model airplane, in its present configuration, when operated at the certificated gross weight of 2250 pounds (normal category) and 2030 pounds (utility and acrobatic categories) did not meet the minimum regulatory certification standards. Interim testing and evaluation established that the airplane when limited to 2000 pounds certificated gross weight meets the certification standards. With this reduction in gross weight the effective pay load of the aircraft is approximately 600 pounds. In addition, during the interim period it has been necessary to reduce maximum occupancy from four places to three places in order to comply with other related Federal Aviation Regulations. To assure regulatory compliance, the directive prohibits operation of these model airplanes at a gross weight in excess of 2000 pounds and in excess of three occupants. The AD also requires the replacement of the existing normal category placard entry with one which reads "Maximum Design Weight 2000 Pounds" and provides for appropriate amendments of the weight and balance records to reflect the new limitations.

Since it was found that immediate action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Beech Model B19 (Serial Numbers MB-481 through MB-616) airplane by individual air mail letters dated November 7, 1973. These conditions may still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. The letter AD also indicated that the manufacturer was developing a modification kit which, if installed, would permit an increase in the aircraft's gross weight. The manufacturer has now determined that if a 54 inch pitch propeller is installed in these model aircraft, they may be operated at a maximum certificated gross weight of 2150 pounds and would be in compliance with the applicable regulations. The instructions for this modification are contained in Beechcraft Service Instruction 0616-010 and BeechKit 23-9014-1 S. This modification, which is being made a part of this AD as an alternate means of compliance, will permit operations with four occupants when appropriate fuel limitations are utilized.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Model B19 (Serial Numbers MB-481 through MB-616) airplanes.

Compliance: Required as indicated, unless already accomplished.

To assure the takeoff and climb capability of these aircraft meet the certification requirements, accomplish the following:

(A) Effective immediately, operation of the airplane at a gross weight of 2000 pounds and in excess of three occupants is prohibited.

(B) Within the next 10 hours' time in service or ten calendar days, whichever comes first, after the effective date of this AD:

(1) In place of the existing normal category placard entry which reads "Maximum Design Weight 2250 Pounds" substitute in wear resistant form a placard entry which reads "Maximum Design Weight 2000 Pounds" and

(2) By appropriate entries and calculations amend the airplane weight and balance records to reflect a maximum design weight of 2000 pounds C.G. locations between 110.9 and 118.3 inches and a maximum of three occupants.

(C) All performance and operating data contained in the Owners Manual for these model airplanes are no longer applicable.

(D) As an alternate means of compliance with this AD, for operation with four occupants and a maximum certificated gross weight of 2150 pounds, install Beech Kit 23-9014-1 S in accordance with Beechcraft Service Instruction 0616-010 or any equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. This information will be reflected in a forthcoming Type Certification Data Sheet revision.

This amendment becomes effective December 14, 1973, to all persons except those to whom it was made effective by air mail letter dated November 7, 1973.

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

Issued in Kansas City, Missouri, on November 30, 1973.

JOHN R. WALLS,
Acting Director, Central Region.

[FR Doc.73-26075 Filed 12-7-73;8:45 am]

[Airworthiness Docket No. 73-WE-20-AD; Amdt. 39-1752]

PART 39—AIRWORTHINESS DIRECTIVES

Hiller UH-12D Helicopters

The UH-12D (Army H-23D) Helicopter was manufactured only in the military version and as a result the original approved civilian service life limit list was never made available to the public and was not revised in light of service experience. The H-23D Helicopters are now being sold surplus for conversion to the civil UH-12D. A new service life list has been approved for the UH-12D which incorporates changes to allow for new part numbers and to reduce life limits on some parts based on the similar UH-12E service history. Also, some life limits were increased due to a change in FAA policy which allows life limits greater than 2500 hours. An airworthiness directive is being issued to require compliance with the new service life limits of the revised finite life components list for Hiller UH-12D Helicopters.

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

In consideration for the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

HILLER AVIATION. Applies to Hiller UH-12D helicopters certificated in all categories.

Compliance required prior to further flight for all UH-12D helicopters which have been converted from the military version (H-23D) before the effective date of this AD, and at the time of conversion for those helicopters which are converted to the UH-12D after the effective date of this AD.

To insure safe service life for the finite life components of the Hiller Model UH-12D Helicopters, accomplish the following:

Replace the finite life components listed in Hiller Aviation's UH-12D Inspection Guide, Airworthiness Limitations Section, dated November 5, 1973, at the times specified therein with new or serviceable parts.

Note: A copy of the finite life components list can be obtained from Hiller Aviation, 2075 West Scranton Avenue, Porterville, California, 93257, or from the FAA, Aircraft Engineering Division, P.O. Box 92007, World Way Postal Center, Los Angeles, California 90009.

This amendment becomes effective January 10, 1974.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423);

sec. 6(c), of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on November 30, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73-26076 Filed 12-7-73;8:45 am]

[Airspace Docket No. 73-WE-12]

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

Designation of Transition Area

Correction

In FR Doc. 73-24437, appearing on page 31674 in the issue for Friday, November 16, 1973, in the third line of the entry for Livermore, California (last paragraph) the latitude reading "37°44'09''" should read "37°44'00''".

[Docket No. 73-CE]

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

Alteration of Transition Area

Correction

In FR Doc.73-24940 in the issue of November 26, 1973, the effective date should be changed to read January 3, 1974.

In FR Doc. 73-24941 in the issue of November 26, 1973, the effective date should be changed to read January 3, 1974.

[Docket No. 12885; Amdt. No. 93-28]

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

Subpart I—Locations at Which Special VFR Weather Minimums Do Not Apply

KANSAS CITY, MO., MUNICIPAL AIRPORT CONTROL ZONE

The purpose of this amendment to Part 93 of the Federal Aviation Regulations is to amend § 93.113 to permit Special VFR operations in the Kansas City, Missouri, Municipal Airport Control Zone.

This amendment is based upon a notice of proposed rulemaking (Notice 73-18) issued on June 6, 1973, and published in the FEDERAL REGISTER on June 14, 1973 (38 FR 15631). Interested persons have been afforded the opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Comments were received from industry representatives, general aviation users, pilot organizations, business concerns, and a governmental agency. All but one commentator concurred with the Notice. One commentator, although concurring with the Notice, suggested that FAA take simultaneous action to establish a Special VFR prohibition at Kansas City International Airport in view of the fact that air carrier operations have moved from Municipal to International Airport and that "* * * these same aircraft are entitled to the same optimum levels of safety and efficiency at International that they previously enjoyed at Municipal." The prohibition of Special VFR within the Kansas City International Airport Control Zone is not within the scope of Notice No. 73-18. However, that comment has merit and is under consideration in a separate study.

Another commentator conditioned its concurrence with the Notice, "* * * *providing* there are no air carrier operations at Kansas City Municipal Airport." The FAA believes that the reduction in air carrier traffic that has occurred at the Kansas City Municipal Airport is sufficient to justify removing the Special VFR prohibition at that airport.

The one nonconcurring commentator expressed opposition to the Notice "* * * due to the high volume of traffic and the availability of other airports nearby." Nonetheless, there has been a significant reduction in the volume of traffic at Kansas City Municipal Airport since air carrier operations were moved to International Airport. These operations are no longer a factor in the air traffic mix within the Control Zone for Kansas City Municipal Airport. Because of this significant reduction in air carrier and other traffic volume, the FAA, as stated above, believes that continuation of the current prohibition against the use of Special VFR in § 93.113 would be an unnecessary burden on the users of Kansas City Municipal Airport. Accordingly, Kansas City Municipal Airport is deleted from the listing of Control Zones in § 93.113, thereby permitting the Special VFR Weather Minimums of § 91.107 to be applied to appropriate operations in that control zone.

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

In consideration of the foregoing, § 93.113 of Part 93 of the Federal Aviation Regulations is amended, effective January 3, 1974, by deleting the words "15. Kansas City, Mo. (Kansas City Municipal Airport)" and inserting the words "[15. Reserved]" in place thereof.

Issued in Washington, D.C., on November 29, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-26074 Filed 12-7-73;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR-81; Amdt. No. 39]

PART 385—DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NONHEARING MATTERS

Exemptions to Air Carriers From Filing Schedules on Less Than Ten Days Notice

Section 405(b) of the Act requires air carriers to give ten days' notice to the Postmaster General of any schedule changes affecting the carriage of mail. In addition, § 231.5(b) of the Board's Economic Regulations requires air carriers to file schedule changes with the Board not later than ten days prior to the effective date of such changes. The current shortage of aviation fuel has required unanticipated emergency flight cutbacks and schedule changes resulting in carriers being unable to make the ten-day advance notice of schedule changes. To meet this situation, the Board has recently granted exemptions, upon application, to permit the filing of schedules on less than ten-days notice.[1]

By order of the President, beginning December 1, 1973, domestic airlines will be allocated five percent less jet fuel than 1972 levels and international airlines will be reduced to 1972 levels. Commencing January 7, 1974, all carriers will be allocated fifteen percent less fuel than their 1972 level. Accordingly, further, and probably frequent, applications for exemptions of this nature can be anticipated. In order that such requests can be acted on promptly, the Board is hereby delegating to the Director, Bureau of Operating Rights, the authority to grant or deny such exemptions.

Since the amendment provided for herein is a rule of agency organization, the Board finds that notice and public procedure are unnecessary and that the amendment may be made effective immediately.

Accordingly, the Board hereby amends Part 385 (14 CFR Part 385), effective November 30, 1973, as follows:

Amend § 385.13 by adding a new paragraph (hh) to read as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

The Board hereby delegates to the Director, Bureau of Operating Rights, the authority to:

* * * * *

(hh) Approve or deny applications of air carriers for exemptions from the provisions of section 405(b) of the Act and § 231.5(b) of Part 231 of the Economic Regulations to the extent necessary to permit the filing of schedules pursuant to section 405(b) on less than ten (10) days' notice to the Postmaster General and to the Board: *Provided, however,* that approval of such an application shall be granted only if it is found that such action is required by the inability of the carrier to procure fuel.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5989; 49 U.S.C. 1324 (note).)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26140 Filed 12-7-73;8:45 am]

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[1] *See, e.g.,* Order 73-11-37.