Signed at Washington, D.C. on December 20, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-27301 Filed 12-28-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 561—DEFINITIONS

Amendments Relating to Scheduled Items

By Resolution No. 73-479, dated March 29, 1973, published in the FEDERAL REGISTER on April 11, 1973 (38 FR 9153), the Federal Home Loan Bank Board adopted amendments to Part 563 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 563) for the purpose of revising the provisions regarding nationwide lending and participation loans. It has been pointed out to the Board that in making these changes it deleted from § 563.9-1 (12 CFR 563.9-1) the definition of the term "residential real estate" but that such definition continues to be referred to in § 561.15(d)(1)(i) and (d)(2)(i) (12 CFR 561.15(d)(1)(i) and (d)(2)(ii)). Also in Resolution No. 73-479 the Board revised § 563.10 (12 CFR 563.10) and that as a result § 561.15(d)(1)(v) now contains an incorrect cross-reference.

In order to correct these incorrect references the Board considers it desirable to amend § 561.15 to include a new paragraph which defines the term "residential real estate" as it had been defined previously in § 563.9-1(d). The Board also considers it desirable to amend paragraphs (d)(1)(i), (d)(1)(v) and (d)(2)(i) in order to correct the cross-references contained therein.

Accordingly, the Board amends said § 561.15 by revising paragraphs (d)(1)(i), (d)(1)(v) and (d)(2)(i) thereof, and by adding a new paragraph (i) thereto to read as set forth below, effective January 2, 1974.

Since the above amendments are for the purpose of correction, 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 be unnecessary for the same reason, the Board hereby provides that said amendments shall become effective as hereinbefore set forth.

§ 561.15 Scheduled items.

The term "scheduled items" means:

* * * * *

(d) Loans secured by, and contracts for the sale of, real estate described in paragraph (c) of this section and real estate previously owned or held by an insured institution for development or investment purposes (other than insured loans, guaranteed loans, or contracts or loans having the benefit of a guaranty by the Federal Savings and Loan Insurance Corporation) during the period that such loans or contracts—

(1) have remaining periods to the expiration of their terms in excess of the maximum terms permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 30 years; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

(i) The real estate securing the loan or sold under the contract is residential real estate (as defined in paragraph (i) of this section);

* * * * *

(v) An officer of the insured institution owning such loan or contract and an appraiser who meets the requirements of paragraph (d) of § 563.10 of this subchapter have certified (as of the time such loan contract last became eligible for this exceptional treatment) to the effect that (*a*) the real estate securing the loan or sold under the contract has an economic life commensurate with the remaining term of such loan or contract and has a current value in an amount sufficient to protect such insured institution against loss on such loan or contract if the borrower or purchaser ceases to make payments on such loan or contract and (*b*) the value of the real estate securing the loan or sold under the contract has not decreased during the immediately preceding 3-year period of time and the expected trend is not downward; or

(2) have unpaid principal balances in excess of the maximum amounts permitted under otherwise applicable lending limitations, or, in the absence of otherwise applicable lending limitations, in excess of 90 percent of the value of the real estate securing such loans or sold under such contracts; except that only 20 percent of the unpaid principal balance of any such loan or contract will be included in "scheduled items" if all of the following requirements are met:

(i) The real estate securing the loan or sold under the contract is residential real estate (as defined in paragraph (i) of this section);

* * * * *

(i) As used in this section, the term "residential real estate" means real estate (1) improved by a structure or structure designed primarily for residential use and (2) having at least 80 percent of its total value comprised of the land and improvements attributable to such residential use, but such term shall not include nursing homes, homes for the aging, and mobile home parks.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

Dated: December 21, 1973.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.73-27302 Filed 12-28-73;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12; Amdt. 7]

PART 121—SMALL BUSINESS SIZE STANDARDS

Procedures for Protesting Concerns' Eligibility; Correction

In FR Doc. 73-24872 published on November 23, 1973 (38 FR 32252), a portion was inadvertently left out of § 121.-3-5(a).

Section 121.3-5(a) should read as follows:

§ 121.3-5 Protest of small business status.

(a) *How to protest.* Any bidder or offeror or other interested party may challenge the small business status of any other bidder or offeror on a particular Government procurement or sale. Such challenge shall be made by delivering a protest to the contracting officer responsible for the particular procurement or sale involved. In order to apply to the procurement or sale in question, such protest must be filed prior to the close of business on the 5th day, exclusive of Saturdays, Sundays, and legal holidays after bid or proposal opening, except that in the case of negotiated procurements, a protest may be filed within 5 days exclusive of Saturdays, Sundays, and legal holidays after receipt from the contracting officer of notification of the identity of the offeror being protested. Such filing must be delivered to the contracting officer by hand, telegram, or mail within the 5-day period allotted: *Provided, however,* That a protest shall be considered timely if made by telephone to the contracting officer within the 5-day period allotted, and the contracting officer thereafter receives a confirming letter (1) within such 5-day period or (2) postmarked no later than 1 day after the date of such telephone protest. Any contracting officer who receives a protest shall promptly forward such protest to the SBA district office serving the geographical area in which the principal office of the protested concern, not including its affiliates, is located. A contracting officer may at any time after bid opening question the small business status of any bidder or offeror for the purpose of a particular procurement or sale by filing a protest with the SBA district office serving the area in which the principal office of the protested concern, not including its affiliates, is located. A protest by a contracting officer shall be timely for the purpose of the procurement or sale in question whether filed before or after award.

(Catalog of Federal Domestic Assistance Program No. 59.009; Procurement Assistance to Small Business.)

Dated: December 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-27314 Filed 12-28-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

PART 30—FOREIGN TRADE STATISTICS

Change in Import Value Requirements

The following amendment is made to the regulations published in the FEDERAL REGISTER on August 27, 1966 (31 FR 11367) (15 CFR Part 30). In accordance with Administrative Procedure 5 U.S.C. 533, notice and hearing on these amendments and postponement of the effective date thereof are unnecessary because the amendment is an interpretive rule and statement of policy.

These regulations are issued under the authority of Title 13, United States Code, section 302; and 5 U.S.C. 301; Reorganization Plan No. 5 of 1950, Department of Commerce Organization Order No. 35-4A, January 1, 1972, 37 FR 3461.

Effective date. This amendment to the Foreign Trade Statistics Regulations is effective January 2, 1974.

Section 30.70(j) is hereby amended to read as follows:

§ 30.70 Statistical information required on import entries.

* * * * *

(j) *Value.* (All forms.) The dollar value shall be reported on the forms in accordance with the definitions set forth in the Tariff Schedules of the United States Annotated (TSUSA) and section 402 and 402(a) of the Tariff Act of 1930, as amended. Moreover, the value shall be reported in accordance with the format prescribed in the U.S. Customs Regulations.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

I concur: December 12, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-27279 Filed 12-28-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

CHANGE IN SPONSOR ADDRESS

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), Part 135 is amended in § 135.501(c) by revising the name and address for code No. 010 as follows to deflect the current mailing address of the sponsor:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

Code No.	Firm name and address
* * *	* * * * *
010	Cooper U.S.A., Inc., P.O. Box 12338, Research Triangle Park, NC 27709.

* * * * *

Effective date. This order shall be effective January 2, 1974.

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

Dated: December 18, 1973.

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

[FR Doc.73-27283 Filed 12-28-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 558-73]

PART 48—NEWSPAPER PRESERVATION ACT

Newspaper Preservation Act Regulations

The Newspaper Preservation Act, 15 U.S.C. 1801 et seq., requires the Attorney General's prior written approval of any new joint newspaper operating arrangement if the arrangement is to qualify for the limited antitrust exemption afforded by the Act. Proposed regulations governing the filing and approval of joint newspaper operating arrangements pursuant to that Act were published in the FEDERAL REGISTER on October 22, 1971 (36 FR 20435) and December 11, 1971 (36 FR 23630). Comments received have been considered and revisions in the proposed regulations are currently under review in the Antitrust Division. In the interim, the following regulations are issued in order that applications by newspapers for joint operating arrangements may be considered.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, and in consonance with the Newspaper Preservation Act, 84 Stat. 466, 15 U.S.C. 1801 et seq., 21 CFR Ch. I is amended by adding the following new Part 48:

Sec.
48.1 Purpose.
48.2 Definitions.
48.3 Procedure for filing all documents.
48.4 Application for approval of joint newspaper operating arrangement entered into after July 24, 1970.
48.5 Requests that information not be made public.
48.6 Public notice.
48.7 Report of the Assistant Attorney General in Charge of the Antitrust Division.
48.8 Written comments and requests for a hearing.
48.9 Extensions of time.
48.10 Hearings.
48.11 Intervention in hearings.
48.12 Ex parte communications.
48.13 Record for decision.
48.14 Decision by the Attorney General.
48.15 Temporary approval.
48.16 Procedure for filing of terms of a renewal or amendment to an existing joint newspaper operating arrangement.

AUTHORITY: (28 U.S.C. 509, 510); (5 U.S.C. 301); Newspaper Preservation Act, 84 Stat. 466 (15 U.S.C. 1801 et seq.).

§ 48.1 Purpose.

These regulations set forth the procedure by which application may be made to the Attorney General for his approval of joint newspaper operating arrangements entered into after July 24, 1970, and for the filing with the Department of Justice of the terms of a renewal or amendment of existing joint newspaper operating arrangements, as required by the Newspaper Preservation Act, Public Law 91-353, 84 Stat. 466, 15 U.S.C. 1801 et seq. The Newspaper Preservation Act does not require that all joint newspaper operating arrangements obtain the prior written consent of the Attorney General. The Act and these regulations provide a method for newspapers to obtain the benefit of a limited exemption from the antitrust laws if they desire to do so. Joint newspaper operating arrangements that are put into effect without the prior written consent of the Attorney General remain fully subject to the antitrust laws.

§ 48.2 Definitions.

(a) The term "Attorney General" means the Attorney General of the United States or his delegate, other than the Assistant Attorney General in charge of the Antitrust Division or other employee in the Antitrust Division.

(b) The term "Assistant Attorney General in charge of the Antitrust Division" means the Assistant Attorney General in charge of the Antitrust Division or his delegate.

(c) The term "Assistant Attorney General for Administration" means the Assistant Attorney General for Administration or his delegate.

(d) The term "existing arrangement" means any joint newspaper operating arrangement entered into before July 24, 1970.

(e) The term "joint newspaper operating arrangement" means any contract, agreement, joint venture (whether or not incorporated), or other arrangement entered into between two or more newspaper owners for the publication of two or more newspaper publications, pursuant to which joint or common production facilities are established or operated and joint or unified action is taken or agreed to be taken with respect to any of the following: Printing; time, method, and field of publication; allocation of production facilities; distribution; advertising solicitation; circulation solicitation; business department; establishment of advertising rates; establishment of circulation rates and revenue distribution: *Provided*, That there is no merger, combination, or amalgamation of editorial or reportorial staffs, and that editorial policies be independently determined.

(f) The term "newspaper" means a publication produced on newsprint paper which is published in one or more issues weekly (including as one publication any daily newspaper and any Sunday newspaper published by the same owner in the same city, community, or metropolitan area), and in which a substantial portion of the content is devoted to the dissemination of news and editorial opinion.

(g) The term "party" means any individual, and any partnership, corporation, association, or other legal entity.

(h) The term "person" means any individual, and any partnership, corporation, association, or other legal entity.

§ 48.3 Procedure for filing all documents.

All filings required by these regulations shall be accomplished by:

(a) Mailing or delivering five copies of each document (two copies in the case of documents filed by the Assistant Attorney General in charge of the Antitrust Division) to the Assistant Attorney General for Administration, Department of Justice, Washington, D.C. 20530. He shall place one copy in a numbered public docket; one copy in a duplicate of this file for the use of officials with decisional responsibility; and (except in the case of documents filed by the Assistant Attorney General in charge of the Antitrust Division) shall forward three copies to the Assistant Attorney General in charge of the Antitrust Division; except that documents subject to nondisclosure orders under § 48.5 shall be held under seal and disclosed only in accordance with the provisions of that section; and

(b) Mailing or delivering one copy of each document filed after a hearing has been ordered to each party to the proceedings, along with the name and address of the party filing the document or its counsel, and filing in the manner provided in paragraph (a) of this section a certificate that service has been made in accordance herewith.

§ 48.4 Application for approval of joint newspaper operating arrangement entered into after July 24, 1970.

(a) Persons desiring to obtain the approval of the Attorney General of a joint newspaper operating arrangement after July 24, 1970, shall file an application in writing setting forth a short, plain statement of the reasons why the applicants believe that approval should be granted.

(b) With the request, the applicants shall also file copies of the following:

(1) The proposed joint newspaper operating agreement;

(2) Any prior, existing or proposed agreement between any of the newspapers involved, or a statement of any such agreements as have not been reduced to writing;

(3) With respect to each newspaper, for the 5-year period prior to the date of the application,

(i) Annual statements of profit and loss;

(ii) Annual statements of assets and liabilities;

(iii) Reports of the Audit Bureau of Circulation, or statements containing equivalent information;

(iv) Annual advertising lineage records;

(v) Rate cards;

(4) If any amount stated in items (b)(3)(i) or (ii) represents an allocation of revenues, expenses, assets or liabilities between the newspaper and any parent, subsidiary, division or affiliate, the financial statements shall be accompanied by a full explanation of the method by which each such amount has been allocated.

(5) If any of the newspapers involved purchased or sold goods or services from or to any parent, subsidiary, division or affiliate at any time during the five years preceding the date of application, a statement shall be submitted identifying such products or services, the entity from which they were purchased or to which they were sold, and the amount paid for each product or service during each of the five years.

(6) Any other information which the applicants believe relevant to their request for approval.

(c) A copy of the application and supporting data shall be open to public inspection during normal business hours at the main office of each of the newspapers involved in the arrangement, except to the extent permitted by nondisclosure orders under § 48.5; except that materials for which nondisclosure has been requested under § 48.5 need not be made available for inspection before the request has been decided.

§ 48.5 Requests that information not be made public.

(a) Any applicant may file a request that commercial or financial data required to be filed and made public under these regulations, which is privileged and confidential within the meaning of 5 U.S.C. 552(b), be withheld from public disclosure. Each such request shall be accompanied by a statement of the reasons why nondisclosure is required. The request shall be determined by the Attorney General who shall consider the extent to which (1) disclosure may cause substantial harm to the applicant submitting the information, and (2) nondisclosure may impair the ability of persons who may be adversely affected by the proposed arrangement to present their views in proceedings under these regulations. Information relevant to the financial condition of the newspaper or newspapers represented to be failing ordinarily shall not be ordered withheld from public disclosure.

(b) Upon ordering that any documents be withheld from public disclosure, the Attorney General shall file a statement setting forth the subject matter of the documents withheld. Any person desiring to inspect the documents may file a request for inspection, identifying with as much particularity as possible the materials to be inspected and setting forth the reasons for inspection and the facts in support thereof. The request for disclosure shall be considered by the Attorney General, who shall give the applicant that submitted the documents an opportunity to be heard in opposition to disclosure. Orders granting inspection shall specify the terms and conditions thereof, including restrictions on disclosure to third parties.

(c) Documents ordered withheld from public disclosure shall be made available to the Assistant Attorney General in charge of the Antitrust Division. If a hearing is held, the documents may be offered as evidence by any party to whom they have been disclosed. The administrative law judge may restrict further disclosure as he deems appropriate, taking into account the considerations set forth in paragraph (a) of this section.

(d) Requests for access to materials within the scope of this section that may be filed after the conclusion of proceedings under these regulations shall be processed in accordance with the Department's regulations under 5 U.S.C. 552 (Part 16 of this chapter).

§ 48.6 Public notice.

(a) Upon the filing of the documents required by § 48.4, the applicants shall file, and publish on the front pages of each of the newspapers for which application is made, daily and Sunday (if a Sunday edition is published) for a period of one week:

(1) Notice that a request for approval of a joint newspaper operating arrangement has been filed with the Attorney General;

(2) Notice that copies of the proposed arrangement, as well as all other documents submitted pursuant to § 48.4, are available for public inspection at the Department of Justice and at the main offices of the newspapers involved; and

(3) Notice that any person may file written comments or a request for a hearing with the Department of Justice, in accordance with the requirements of § 48.3.

(b) Upon the filing of the notice required in paragraph (a) of this section, the Assistant Attorney General for Administration shall cause notice to be published in the FEDERAL REGISTER, and shall cause to be issued a press release setting forth the information contained therein.

(c) If a hearing is scheduled pursuant to § 48.10, the applicants shall publish the time, date, place and purpose of such hearing on their respective front pages at least three times within the 2-week period after the hearing has been scheduled (two times if the applicants are weekly newspapers), and for the 3 days preceding such hearing (one day during the week preceding the hearing if the applicants are weekly newspapers).

(d) The applicants shall file copies of each day's newspaper in which the notice required in paragraph (a) or paragraph (c) of this section has appeared.

§ 48.7 Report of the Assistant Attorney General in Charge of the Antitrust Division.

(a) The Assistant Attorney General in charge of the Antitrust Division shall, not later than 30 days from the publication in the FEDERAL REGISTER of the notice required by § 48.6, submit to the Attorney General a report on any application filed pursuant to § 48.4. In preparing such report he may require submission by the applicants of any further information which may be relevant to a determination of whether approval of the proposed arrangement is warranted under the Act.

(b) In his report he may state (1) that the proposed arrangement should be approved or disapproved without a hearing; or (2) that a hearing should be held to resolve material issues of fact.

(c) The report shall be filed, and a copy shall be sent to the applicants. Upon the filing of the report, the Assistant Attorney General for Administration shall cause to be issued a press release setting forth the substance thereof.

(d) Any person may, within 30 days after filing of the report, file a reply to the report for the consideration of the Attorney General.

§ 48.8 Written comments and requests for a hearing.

(a) Any person who believes that the Attorney General should or should not approve a proposed arrangement, may at any time after filing of the application until 30 days after publication in the FEDERAL REGISTER of the notice required in § 48.6,

(1) File written comments stating the reasons why approval should or should not be granted, and/or

(2) File a request that a hearing be held on the application. A request for a hearing shall set forth the issues of fact to be determined and the reasons that a hearing is required to determine them.

(b) Any person may within 30 days after the filing of any comment or request pursuant to section (a), file a reply for the consideration of the Attorney General.

(c) After the expiration of the time for filing of replies in accordance with §§ 48.7 and 48.8 the Attorney General shall either approve or deny approval of the arrangement, in accordance with § 48.14, or shall order that a hearing be held.

§ 48.9 Extensions of time.

Any of the time periods established by these Regulations may be extended for good cause, upon timely application to the Attorney General, or to the administrative law judge if one has been appointed.

§ 48.10 Hearings.

(a) Upon the issuance by the Attorney General of an order for a hearing, the Assistant Attorney General for Administration shall appoint an administrative law judge in accordance with section 11 of the Administrative Procedure Act, 5 U.S.C. 3105. The administrative law judge shall:

(1) Set a date, time and place for the hearing convenient for all parties involved. The date set shall be as soon as practicable, allowing time for publication of the notice required in § 48.6 and for a reasonable period of discovery as provided in this section. In setting a place for the hearing, preference shall be given to the community in which the applicants' newspapers operate.

(2) Mail notice of the hearing to the parties, to each person who filed written comments or a request for a hearing, and to any other person he believes may have an interest in the proceeding.

(3) Permit discovery by any party, as provided in the Federal Rules of Civil Procedure; except that he may place such limits as he deems reasonable on the time and manner of taking discovery in order to avoid unnecessary delays in the proceedings.

(4) Conduct a hearing in accordance with section 7 of the Administrative Procedure Act, 5 U.S.C. 556. At such hearing, the burden of proving that the proposed arrangement meets the requirements of the Newspaper Preservation Act will be on the proponents of the arrangement. The rules of evidence which govern civil proceedings in matters not involving trial by jury in the courts of the United States shall apply, but these rules may be relaxed if the ends of justice will be better served in so doing: *Provided*, that the introduction of irrelevant, immaterial, or unduly repetitious evidence is avoided. Only parties to the proceedings may present evidence, or cross-examine witnesses.

(b) The applicants and the Assistant Attorney General in charge of the Antitrust Division shall be parties in any hearing held hereunder. Other persons may intervene as parties as provided in § 48.11.

(c) The Assistant Attorney General for Administration shall procure the services of a stenographic reporter. One copy of the transcript produced shall be placed in the public docket. Additional copies may be purchased from the reporter or, if the arrangement with the reporter permits, from the Department of Justice at its cost.

(d) Following the hearing the administrative law judge shall render to the Attorney General his recommendation that the proposed arrangement be approved or denied approval in accordance with the standards of the Act. The recommendation shall be in writing, shall be based solely on the hearing record, and shall include a statement of the administrative law judge's findings and conclusions, and the reasons or basis therefor, on all material issues of fact, law or discretion presented on the record. Copies of the recommendation shall be filed and sent to each party.

(e) Within 30 days of the date the administrative law judge files his recommendation, any party may file written exceptions to the recommendation for consideration by the Attorney General. Parties shall then have a further 15 days in which to file responses to any such exceptions.

§ 48.11 Intervention in hearings.

(a) Any person may intervene as a party in a hearing held under these regulations if (i) he has an interest which may be affected by the Attorney General's decision, and (ii) it appears that his interest may not be adequately represented by existing parties.

(b) Application for intervention shall be made by filing in accordance with § 48.3(a) and (b), within 20 days after a hearing has been ordered, a statement of the nature of the applicant's interest, the way in which it may be affected, the facts and reasons in support thereof and the reasons why the applicant's interest may not be adequately represented by existing parties.

(c) Existing parties may file a statement in opposition to or in support of an application to intervene within 10 days of the filing of the application.

(d) Applications for intervention shall be decided by the Attorney General.

(e) Intervenors shall have the same rights as existing parties in connection with any hearing held under these regulations.

§ 48.12 Ex parte communications.

No person shall communicate on any matter related to these proceedings with the administrative law judge, the Attorney General or anyone having decisional responsibility, except as provided in these regulations.

§ 48.13 Record for decision.

(a) The record on which the Attorney General shall base his decision in the event a hearing is not held shall be comprised of all material filed in accordance with these regulations, including any material that has been ordered withheld from public disclosure.

(b) If a hearing is held, the record on which the Attorney General shall base his decision shall consist exclusively of the hearing record, the examiner's recommendation and any exceptions and responses filed with respect thereto.

§ 48.14 Decision by the Attorney General.

(a) The Attorney General shall decide, on the basis of the record as constituted in accordance with § 48.13, whether approval is warranted under the Act. In rendering his decision, the Attorney General shall file therewith a statement of his findings and conclusions and the reasons therefor, or where a hearing has been held, he may adopt the findings and conclusions of the administrative law judge.

(b) Approval of a proposed arrangement by the Attorney General shall not become effective until the tenth day after the filing of the Attorney General's decision as provided in this section.

§ 48.15 Temporary approval.

(a) If the Attorney General concludes that one or more of the newspapers involved would otherwise fail before the procedures under these regulations can be completed, he may grant temporary approval of whatever form of joint or unified action would be lawful under the Act if performed as part of an approved joint newspaper operating arrangement, and that he concludes is: (1) Essential to the survival of the newspaper or newspapers; and (2) most likely capable of being terminated without impairment to the ability of both newspapers to resume independent operation should final approval eventually be denied.

(b) Upon the filing of a request for temporary approval, the applicants shall publish notice of such application on the front pages of their respective newspapers for a period of three consecutive days in the case of daily newspapers or in the next issue in the case of weekly newspapers. The notice shall state (1) that a request for temporary approval of a joint operating arrangement or other joint or unified action has been made to the Attorney General; and (2) that anyone wishing to protest the application for temporary approval may do so by delivering a statement of protest or telephoning his views to an employee of the Department of Justice, whose name, address and telephone number shall be designated by the Department upon receipt of the application for temporary approval, and that such protests must be received by the Department within five days of the first publication of notice in accordance with subparagraph (a) hereof.

(c) The notice required by this section shall be in addition to the notice required by § 48.6.

(d) Such temporary approval may be granted without hearing at any time following the expiration of the period provided for protests, but shall create no presumption that final approval will be granted.

§ 48.16 Procedure for filing of terms of a renewal or amendment to an existing joint newspapers operating arrangement.

Within 30 days after a renewal of or an amendment to the terms of an existing arrangement, the parties to said renewal or amendment shall file five copies of the agreement of renewal or amendment. In the case of an amendment, the parties shall also file copies of the amended portion of the original agreement.

Dated: December 20, 1973.

ROBERT H. BORK,
Acting Attorney General.

[FR Doc.73-27264 Filed 12-28-73;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE AND RECREATION

Crab Orchard National Wildlife Refuge; Ill.

The following special regulation is issued and is effective January 2, 1974.

§ 28.28 Special regulations, public access, use and recreation; for individual wildlife refuge areas.

ILLINOIS

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Public use is permitted on the Crab Orchard National Wildlife Refuge subject to the following special conditions:

(1) Swimming is permitted only at beach areas as designated by signs.

(2) All types of flotation devices, other than U.S. Coast Guard approved lifesaving devices, are prohibited on refuge waters.

(3) Foodstuffs, drink containers (cans, bottles, cartons), pets or fires are prohibited at designated beach areas and on the rock area immediately below Crab Orchard Lake Spillway.

(4) The Carterville Beach, Hogan Point, Lookout Point, Crab Orchard Beach, Bulliner Point, Playport Boat Dock, Sailboat Basin, Crab Orchard Spillway and Spillway parking lot and picnic areas are closed to unauthorized use from 9:00 p.m., Local Time, until 5:00 a.m., Local Time, daily.

(5) Motor vehicle entry to all refuge Campgrounds is prohibited from 11:00 p.m. until 7:00 a.m., Local Time, during the period said campground is open to the public.

(6) Quiet shall be maintained in all refuge campgrounds between 10:00 p.m. and 6:00 a.m., Local Time.

(7) Horseback riding is prohibited except on designated horseback riding trails.

(8) Sailboats or sailing craft are not permitted on Devils Kitchen and Little Grassy Lakes.

(9) Sailboats underway between sunset and sunrise must display a bright white light visible all around the horizon for a distance of two miles.

(10) Alcoholic liquor may not be transported, carried or possessed on any boat propelled by sail or mechanical power, except in the original package and with the seal unbroken, while the craft is in operation on refuge waters.

(11) No marine head (toilet) on any boat or watercraft operated upon refuge waters may be so constructed and operated as to discharge any sewage into the waters directly or indirectly.

(12) The drinking or possession of alcoholic liquor by minors, as defined by State law, is prohibited on the refuge area.

(13) No person shall transport, carry, possess or have any alcoholic liquor in or upon any motor vehicle except in the original package and with the seal unbroken, while on the refuge area.

(14) The use and/or possession on the refuge of all controlled substances, including but not limited to opiates, cocaine, marijuana, hashish, depressants, stimulants, or hallucinogenic drugs is prohibited except when such use or possession is for the person's own use as authorized by law. All state laws on controlled substances applicable to the area concerned are adopted and made a part hereof.

(15) Camping, defined as the use of tent camps, bedrolls, motorized vehicles, trailers and other shelters for overnight stays for the purpose of sleeping, is prohibited except at the Devils Kitchen Campground, Little Grassy Campground, Crab Orchard Lake Campground and the Marion Boat Club Campground.

The provisions of this notice supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in 50 CFR Part 28 and are effective through December 31, 1974.

EDWARD H. NICHOLS,
Acting Project Manager, Crab Orchard National Wildlife Refuge.

DECEMBER 21, 1973.

[FR Doc.73-27260 Filed 12-28-73;8:45 am]

PART 33—SPORT FISHING

De Soto National Wildlife Refuge; Iowa and Nebraska

The following special regulation is effective January 2, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IOWA AND NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Sport fishing on the DeSoto National Wildlife Refuge, Iowa and Nebraska, is permitted on the lake area within the refuge. This open area, comprising 850 acres, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing is subject to the following conditions:

(1) All fishermen shall conform with the regulations of the State in which they are properly licensed, either Iowa or Nebraska, subject to more restrictive regulations that may be included herein.

(2) Open Season: Daylight hours January 5, 1974 through February 28, 1974, and 6:00 A.M. to 9:00 P.M., April 15, 1974, through September 30, 1974.

(3) Trot lines and float lines are not permitted.

(4) Archery fishing is permitted during the period May 1, 1974 through June 15, 1974. Only the following fishes can be taken with bow and arrow: Bigmouth Buffalofish (Ictiobus cyprinellus). Smallmouth Buffalofish (Ictiobus bubalus), Carp (Cyprinus carpio), Longnose Gar (Lepisosteus osseus) and Shortnose Gar (Lepisosteus platostomus).

(5) Digging or seining for bait is not permitted.

(6) No more than two lines with two hooks on each line may be used for fishing.

(7) Motor or wind driven conveyances are not permitted on the lake during the period January 5, to February 28.

(8) The use of boats, with or without motors, is permitted during the period April 15 to September 15.

(9) During the period September 15 to September 30, only boats without motors or motors up to 20 H.P. are permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through September 30, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

DECEMBER 19, 1973.

[FR Doc.73-27259 Filed 12-28-73;8:45 am]

PART 33—SPORT FISHING

Carolina Sandhills National Wildlife Refuge, South Carolina

The following special regulations are furnished and are effective on January 1, 1974.

§ 33.5 Special regulations: sport fishing; for individual wildlife refuge areas.

SOUTH CAROLINA

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUSE

Sport fishing on the Carolina Sandhills National Wildlife Refuge, McBee, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 135 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, Atlanta, Georgia, 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from January 1, 1974 through December 31, 1974 on Lake Bee; from March 18, 1974 through October 12, 1974 on Martin's Lake, Lake 16, Pools A, D, G, and H; and from March 18, 1974 through September 13, 1974 on Lake 17, Pool J, and the Black Creek Bridge Areas on State Road 33, State Road 145, and U.S. Highway 1, as posted.

(2) Fishing permitted from official local sunrise until one-half hour after official local sunset.

(3) Boats with electric motors permitted only in Lake Bee, Lake 16, and Lake 17, and Martin's Lake. Other type motors prohibited. The other areas are open only for bank fishing.

(4) Alcoholic beverages prohibited.

(5) All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes or goose nesting areas. Nesting areas in Martin's Lake are closed and posted with closed area signs.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1974.

RAY R. VAUGHN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 17, 1973.

[FR Doc.73-27315 Filed 12-28-73;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE

PART 259—CAPITAL CONSTRUCTION FUND

Deposits

CROSS REFERENCE: For a document concerning capital construction deposits issued jointly by the Department of Commerce, Internal Revenue Service, and the National Oceanic and Atmospheric Administration, see FR Doc. 73-27323, supra.

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[CAPITAL CONSTRUCTION FUND REGULATIONS]

[TD 7303]

PART 3—CAPITAL CONSTRUCTION FUND

Deposits

This document contains amendments to the temporary regulations, in § 3.1 of Part 3 of 26 CFR Chapter I dealing with capital construction funds under section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), as amended by section 21(a) of the Merchant Marine Act of 1970 (Pub. L. 91-469, 84 Stat. 1026). The present temporary regulations were published on December 31, 1970 (TD 7082), and amended by further temporary regulations published on June 5, 1971 (TD 7124), December 30, 1971 (TD 7156), November 10, 1972 (TD 7219), and December 30, 1972 (TD 7245).

The outstanding temporary regulations, as amended, provide transitional rules for the execution of capital construction fund agreements (between citizens of the United States owning or leasing one or more vessels defined by the Act to be eligible and the Secretary of Commerce) and the deposit of funds under such agreements for taxable years beginning during 1970, 1971, and 1972. As a general rule, those outstanding regulations provide that the agreement must be executed and entered into on or prior to the due date, with extensions, for the filing of the tax return in order to be effective for the year to which that return relates. Deposits must also be made on or before that date, or within 60 days after the date of execution of the agreement, whichever is later, in order to be effective for such taxable year.

For taxable years beginning during 1970 and 1971, special rules applied to extend the time within which an effective agreement could have been executed and entered into, and within which deposits could have been made. These special rules are contained in § 3.1 (b) and (c) of Part 3 of 26 CFR Chapter I.

This document would further amend the temporary regulations by extending the rules established by the outstanding temporary regulations, as amended, to taxable years beginning during 1973.

The temporary regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These temporary regulations have been issued jointly by the Secretary of the Treasury and the Secretary of Commerce and also appear under 46 CFR Part 390 (Maritime) and [0 CFR Part 259 (Fisheries).

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to extend the provisions of the temporary regulations under section 21 (a) of the Merchant Marine Act of 1970 to taxable years beginning in 1973, § 3.1 of Chapter I of 26 CFR is amended by revising so much of such § 3.1 as precedes paragraph (a) thereof and by revising paragraph (d) thereof as follows:

§ 3.1 Capital construction fund.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1974, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

* * * * *

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1974.

Because of the need for immediate guidance with respect to the provisions contained in this Treasury decision, it is found impracticable to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d).

(This Treasury decision is issued under the authority contained in section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026), and under the authority contained in section 7805 of the Internal