federal register

TUESDAY, JANUARY 8, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 5

Pages 1343–1411

HIGHLIGHTS OF THIS ISSUE

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

January 8, 1974—Pages 1343–1411

REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

federal register

Area Code 202 Phone 523-5240

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

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

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Contents

(Continued on next page)

List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3113 is amended to show that positions of farmer fieldman in the Agricultural Stabilization and Conservation Service are no longer excepted under Schedule A.

Effective January 8, 1974, § 213.3113 (d) (4) is revoked.

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

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

[FR Doc.74–600 Filed 1–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Special Assistant to the Deputy Assistant Secretary for Economic Development Operations is excepted under Schedule C.

Effective on January 8, 1974, § 213.3314 (q) (6) is added as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(q) *Office of the Assistant Secretary for Economic Development.* * * *

(6) One Special Assistant to the Deputy Assistant Secretary for Economic Development Operations.

* * * * *

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

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

[FR Doc.74–601 Filed 1–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Secretary to the Deputy Under Secretary for Regional Affairs is excepted under Schedule C.

Effective January 8, 1974, § 213.3316 (a) (33) is added as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.*

* * * * *

(33) One Confidential Secretary to the Deputy Under Secretary for Regional Affairs.

* * * * *

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

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

[FR Doc.74–599 Filed 1–7–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Staff Assistant to the Assistant to the Secretary for Public Affairs is excepted under Schedule C.

Effective on January 8, 1974, § 213.3384 (a) (25) is amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary* * * *

(25) Two staff assistants to the Assistant to the Secretary for Public Affairs

* * * * *

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

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

[FR Doc.74–598 Filed 1–7–74;8:45 am]

PART 900—INTERGOVERNMENTAL PERSONNEL ACT AND GRANT PROGRAM

IPA Grants; Termination for Cause

On February 23, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 4981) with regard to the addition of §§ 900.204 and 900.205 to Subpart B of Part 900 of Title 5 of the Code of Federal Regulations to implement section 507 of the Intergovernmental Personnel Act of 1970 (Pub. L. 91–648, 84 Stat. 1909). Interested persons were given 30 days in which to submit written comments, suggestions, and objections.

Having considered all relevant material, the United States Civil Service Commission, pursuant to the authority of section 503 of the Intergovernmental Personnel Act, hereby adds sections 900.204 and 900.205 to Subpart B of Part 900 of Title 5 of the Code of Federal Regulations. The additional sections read as follows:

§ 900.204 Termination of Grants for Cause.

(a) Whenever the Commission, after giving reasonable notice and opportunity for a hearing to the grantee concerned, finds (1) that a program or project has been so changed that it no longer complies with the provisions of the Act, the regulations of this Part or the terms of the grant; (2) that in the operation of the program or project there is a failure to comply substantially with any provision; or (3) that the continuation of the program or project would produce results of insufficient value in furthering the purposes of the Act, the Commission shall notify the grantee of its findings and no further payments will be made to the grantee by the Commission until it is satisfied that the non-compliance has been, or will promptly be, corrected. An action brought under this section shall be limited in its effect to the particular program or project or part thereof, in which the non-compliance or lack of sufficient value has been found.

(b) *Notice.* (1) The notice required by paragraph (a) of this section shall be sent to the affected grantee by registered or certified mail, return receipt requested. This notice shall advise the grantee of the action proposed to be taken, the specific provision of law, regulations, or grant agreement under which the proposed action against it is to be taken, the matters of fact or law asserted as the basis for this action, and (i) fix a date not less than 30 calendar days after the date of notice within which the grantee may request of the Commission that the matter be scheduled for a hearing, or (ii) advise the grantee that the matter in question has been set down for a hearing at a stated time and place not more than 30 days from the date of notice. The time and place so fixed shall be reasonable and subject to change for cause.

(2) Upon receipt of a notice of a proposed action under this section the grantee shall discontinue new commitments of grant funds that relate to the

program or project against which the proposed action is to be taken.

(c) *Waiver of hearing.* The parties may mutually agree to waive a hearing and submit written information and argument for the record. The failure of a grantee to request a hearing under this section or to appear at a scheduled hearing may be deemed a waiver of the right to a hearing under section 507 of the Act, and consent to making of a decision on the basis of the available information.

(d) *Time and place of hearing.* (1) Hearings shall be held at the office of the Commission which awarded the grant at a time fixed by the Commission, unless the Commission determines that the convenience of the grantee or of the Commission requires that another place be selected.

(2) Hearings may be held before the Commission, or at its discretion, before a hearing officer specially selected for his ability to conduct an adversarial proceeding.

(e) *Right to counsel.* In all proceedings under this section, the grantee and the Commission have the right to be represented by counsel.

(f) *Procedures, evidence, and record.* (1) The hearing, decision, and an administrative review thereof shall be conducted as nearly as practicable in conformity with sections 551 through 559 of Title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (b) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Commission and the grantee are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this section, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Each party is to bear its own transcript costs. Decisions shall be based on the hearing record and written findings shall be made.

(g) *Decisions and notices.* (1) If the hearing is held before a hearing officer, the hearing officer shall make an initial decision, and shall mail a copy of the initial decision to the grantee and certify a copy of the record to the Commission. When a hearing is waived pursuant to paragraph (c) of this section, an initial decision shall be made by a hearing officer on the basis of information submitted by the parties and a written copy of the initial decision shall be sent to the grantee and a copy of the initial decision certified to the Commission.

(2) The grantee may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the grantee a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor, or may adopt the initial decision. In the absence of either exceptions or a notice of review, the initial decision, subject to paragraph (g)(5) of this section, shall constitute the final decision of the Commission.

(3) When the Commission reviews the decision of a hearing officer pursuant to paragraph (g)(2) of this section, or when the Commission conducts the hearing, the grantee shall be given reasonable opportunity to file with it briefs or other written statements of the grantee's contentions, and a written copy of the final decision of the Commission will be sent to the grantee.

(4) Each decision of a hearing officer or the Commission shall set forth a ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements with which the grantee failed to comply.

(5) A final decision by an official of the Commission, other than by the Commissioners, providing for the suspension or termination of IPA financial assistance, or the imposition of other sanctions available under this part, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(6) The final decision may provide for suspension or termination of IPA financial assistance, in whole or in part, under the program involved, and for terms and conditions as are consistent with and will effectuate the purposes of the IPA and this part. The final decision may include provisions designed to assure that IPA financial assistance will not thereafter be extended to the grantee determined by the decision to be in default in its performance or to have otherwise failed to comply with this part.

(h) *Post-termination proceedings.* (1) A grantee adversely affected by a decision issued under paragraph (g)(6) of this section may have IPA financial assistance restored if it satisfies the terms and conditions of the decision.

(2) A grantee adversely affected by a decision made pursuant to paragraph (g)(6) of this section may at any time request the Commission to restore its IPA financial assistance. A request shall be supported by information showing that the grantee has met the requirements of paragraph (h)(1) of this section. If the Commission determines that those requirements are satisfied, it may restore the IPA financial assistance.

(3) If the Commission denies a request, the grantee may submit a request for a hearing in writing, specifying why it believes the Commission is in error. The grantee shall be given an expeditious hearing, with a decision on the record in accordance with these regulations. The grantee shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (h)(1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (g)(6) of this section remain in effect.

§ 900.205 Termination for convenience.

The Commission may terminate a grant in whole or in part when both the Commission and the grantee agree that the continuation of the project would not produce beneficial results commensurate with the further expenditure of funds. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Commission shall allow full credit to the grantee for the Federal share of the noncancellable obligations, properly incurred by the grantee prior to termination.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-635 Filed 1-7-74;8:45 am]

Title 7—Agriculture

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

PART 26—GRAIN STANDARDS

Standards Designations

Pursuant to authority contained in section 4 of the United States Grain Standards Act, as amended (82 Stat. 762, 7 U.S.C. 76), notice is hereby given according to the administrative procedure provisions of section 553 of Title 5, United States Code, that the U.S. Department of Agriculture will redesignate the titles for the grain standards as shown in the headings and sections of 7 CFR Part 26, Subpart B.

Statement of considerations. At present, titles of standards for grain and oilseeds inspected under the United States Grain Standards Act, have preceding the name of the grain, the words "Official Grain Standards of the United States for." Titles of standards for commodities inspected under the Agricultural Marketing Act and other marketing acts have,

preceding the name of the commodity, the words "United States Standards for."

The Department believes that action to standardize the titles for standards is justified because it would shorten the titles for the grain standards, be uniform with other commodity standards, provide for ease in use, and would be a positive step toward affording quick recognition of those grade standards which are administered under authority of the Federal Government.

Accordingly, wherever the words "Official Grain Standards of the United States for" are shown, preceding the name of the grain, in 7 CFR Part 26, Subpart B, it shall be deemed to be "United States Standards for."

Under the administrative procedure provisions of Section 553 of Title 5, United States Code, it is found upon good cause that further notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest. For that reason the amendment shall become effective January 8, 1974.

Done at Washington, D.C., on: January 2, 1974.

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

[FR Doc.74-641 Filed 1-7-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

MILK IN BOSTON REGIONAL, ET AL.

Determination of Equivalent Prices in December 1973 for Chicago Grade A (92-Score) Butter

In the matter of:

7 CFR PART AND MARKETING AREA	
1001	Boston Regional
1002	New York-New Jersey
1004	Middle Atlantic
1006	Upper Florida
1007	Georgia
1011	Appalachian
1012	Tampa Bay
1013	Southeastern Florida
1015	Connecticut
1030	Chicago Regional
1032	Southern Illinois
1033	Ohio Valley
1036	Eastern Ohio-Western Pennsylvania
1040	Southern Michigan
1044	Michigan Upper Peninsula
1046	Louisville-Lexington-Evansville
1049	Indiana
1050	Central Illinois
1060	Minnesota-North Dakota
1061	Southeastern Minnesota-Northern Iowa (Dairyland)
1062	St. Louis-Ozarks
1063	Quad Cities-Dubuque
1064	Greater Kansas City
1065	Nebraska-Western Iowa
1068	Minneapolis-St. Paul
1069	Duluth-Superior
1070	Cedar Rapids-Iowa City
1071	Neosho Valley
1073	Wichita, Kansas
1075	Black Hills, S. Dakota
1076	Eastern South Dakota
1078	North Central Iowa
1079	Des Moines, Iowa
1090	Chattanooga, Tennessee
1094	New Orleans, Louisiana
1096	Northern Louisiana
1097	Memphis, Tennessee
1098	Nashville, Tennessee
1099	Paducah, Kentucky
1101	Knoxville, Tennessee
1102	Fort Smith, Arkansas
1104	Red River Valley
1106	Oklahoma Metropolitan
1108	Central Arkansas
1120	Lubbock-Plainview, Texas
1121	South Texas
1124	Oregon-Washington
1125	Puget Sound, Washington
1126	North Texas
1127	San Antonio, Texas
1128	Central West Texas
1129	Austin-Waco, Texas
1130	Corpus Christi, Texas
1131	Central Arizona
1132	Texas Panhandle
1133	Inland Empire
1134	Western Colorado
1136	Great Basin
1137	Eastern Colorado
1138	Rio Grande Valley
1139	Lake Mead

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas, hereinafter referred to as the "orders," it is hereby found and determined as follows:

(1) The daily wholesale selling prices per pound for Grade A (92-score) bulk creamery butter at Chicago, as reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, were not available and accordingly were not reported on two regular reporting days at the beginning of the month of December 1973. Such butter prices were available and reported on other regular reporting days in December.

The absence of reported prices for Grade A (92-score) butter at the beginning of the month occurred when other prices for butter, Grade AA (93-score) and spot prices on the Chicago Mercantile Exchange, were significantly higher than such prices for the remainder of the month. The absence of reported prices for Grade A (92-score) butter also occurred in an interval between significantly higher prices for this grade of butter reported in the last week of the preceding month (November) and the lower prices for the same grade in the remainder of December. Therefore, an average wholesale bulk Chicago Grade A (92-score) butter price per pound for the month based on only the wholesale bulk butter prices reported by the "Dairy and Poultry Market News Service" would not be representative for the month because it does not give weight to the higher level of prices at the beginning of the month.

For purposes specified in the orders with respect to computing prices and butterfat differentials, it is determined to be necessary to provide equivalent prices for those reporting days on which the wholesale bulk butter prices were lacking. Such equivalent prices have been determined. This determination was based primarily on the spot market prices for the same grade of butter on the Chicago Mercantile Exchange adjusted by a normal differential between spot prices and the wholesale bulk selling prices. Using these equivalent prices in conjunction with the wholesale bulk butter prices reported during the month, it is hereby determined that the average Chicago Grade A (92-score) butter price per pound for December 1973, for purposes specified in the orders is 71.98 cents.

(2) Notice of proposed rulemaking, public procedure thereon and 30 days prior notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest, in that (a) the daily wholesale selling prices for Chicago Grade A (92-score) butter, have not been reported by the "Dairy and Poultry Market News Service," U.S. Department of Agriculture, Agricultural Marketing Service on two regular reporting days during the month of December 1973, and the average of the daily prices so reported in the remainder of the month are not representative prices for the entire month of December 1973; (b) the need for determination of equivalent prices could not be known until the end of December 1973 and such determination could not be made until all available data for the month had been obtained; (c) the determination of such equivalent prices is necessary to make possible the announcement of minimum prices and butterfat differentials pursuant to the orders on January 4, 1974; (d) this determination is necessary to give notice to all interested persons that the average of the Chicago Grade A (92-score) wholesale bulk butter prices per pound, reported in the "Dairy and Poultry Market News Service" during December 1973 but lacking reports for two regular reporting days will not be used for the purpose of computing class prices and butterfat differentials under the aforesaid order; and (e) this determination does not require substantial or extensive preparation by any person.

Signed at Washington, D.C., on: January 2, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-541 Filed 1-7-74;8:45 am]

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 1700—PROCEDURES

Loan Programs; Implementation

Pursuant to the Rural Electrification Act [7 U.S.C. 901-950(b)], Chapter XVII, Part 1700 of the Code of Federal Regulations is hereby amended to add new §§ 1700.3b and 1700.3c.

The Rural Electrification Act as amended May 11, 1973, by Pub. L. 93-32 provides authority for the Administrator of REA to make insured and guaran-

teed loans to finance rural electric and telephone facilities. The purpose of this amendment to Part 1700 is to set forth the basis for implementation of insured and guaranteed loan programs under the Rural Electrification Act as amended by Pub. L. 93–32.

On October 9, 1973, REA published in the FEDERAL REGISTER (38 FR 27843) a notice of this proposed amendment to Chapter XVII, Part 1700. The only comment received by REA as the result of that publication supported the proposed amendment as "consistent with the intent of Congress and appropriate for effectuation of the amendments to the Rural Electrification Act embodied in Pub. L. 93–32, May 11, 1973."

Chapter XVII, Part 1700, is hereby amended as follows:

1. Amend "Authority" to read as follows:

AUTHORITY: 49 Stat. 1363; 87 Stat. 65; 7 U.S.C. 901–915, 921–924, 931–940.

2. Add the following sections:

§ 1700.3b Insured Loans Pursuant to Section 305 of the Rural Electrification Act, as Amended May 11, 1973.

(a) *General.* These loans are made by the Administrator for the purposes authorized by sections 4 and 201 of the Rural Electrification Act (see §§ 1700.1 and 1700.3) and though serviced by the Administrator, are sold with a contract of insurance by the Administrator. The standard interest rate on the loans made by the Administrator under this section is 5 percent, but a special 2 percent rate is applicable on the basis of certain consumer or subscriber density, average earnings per mile, extenuating circumstances or extreme hardship.

(b) *Loan application, contruction and advance of loan funds.* Sections 1700.1 (b) and 1700.3(b) will be applied with respect to applications for insured loans under section 305 of the Rural Electrification Act. Sections 1700.1(c) and 1700.3 (c) will be applied with respect to the construction of rural electrification and telephone facilities respectively, and §§ 1700.1(d) and 1700.3(d) will be applied to the advance of funds on account of such insured electrification and telephone loans, respectively.

(c) *REA Bulletins.* REA Bulletins (see §§ 1700.6 and 1701.1) in effect on May 11, 1973, as from time to time amended or supplemented, will be utilized in carrying out REA's loan programs pursuant to the May 11, 1973, Amendments of the Rural Electrification Act (Pub. L. 93–32, 87 Stat. 65) to the extent not inconsistent therewith.

§ 1700.3c Guaranteed Loans Pursuant to Section 306 of the Rural Electrification Act as Amended May 11, 1973.

(a) *General.* These loans are made by any legally organized lending agency and guaranteed in the full amount thereof by the Administrator for purposes provided in the Rural Electrification Act. The loans guaranteed under this section are serviced by the lender. The interest rate on these loans is as agreed upon by the borrower and the lender.

Dated: January 2, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74–540 Filed 1–7–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–NW–18–AD Amdt. 39–1767]

PART 39—AIRWORTHINESS DIRECTIVE

Boeing 737 Series Airplanes

Amendment 39–1700 (38 FR 20818), AD 73–16–4 requires a one-time inspection for stress corrosion cracks and repairs, as necessary, of the wing front spar upper chord on Boeing Model 737 airplanes, certificated in all categories, delivered prior to November 1, 1972. After issuing Amendment 39–1700, additional cracking of the spar chord has been found and the agency has determined that repetitive inspections are required until terminating action, yet to be determined, is accomplished. Therefore, the AD is being superseded by a new AD that requires two short-time inspections to assure discovery of any additional cracking, and repetitive inspections at 1,000 hour intervals. Additionally, to reduce cracking susceptibility, application of LPS–3, a water displacing compound, is required.

As stated in AD 73–16–4, cracks in this area of the aircraft may severely impair the integrity of the wing and could lead to structural failure.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, is amended by adding the following new Airworthiness Directive:

BOEING: Applies to all Model 737 airplanes, certificated in all categories, delivered prior to November 1, 1972. Compliance required as indicated.

To detect cracking of the wing front spar upper chord, accomplish the following:

(A) Inspect the wing front spar upper chord forward surface for cracks from front spar station 108 to 198 in accordance with Boeing Service Bulletin 737–57–1081, Revision 2, or later FAA approved revisions at the following times:

(1) Initially, within the next 300 hours' time in service after the effective date of this AD, unless already accomplished within the last 300 hours' time in service;

(2) Next, within the next 600 hours' time in service since the last inspection per (A) (1) and apply a coating of LPS–3 to the inspected area; and

(3) Subsequently, inspect at intervals not to exceed 1,000 hours' time in service since the last inspection and apply a coating of LPS–3 to the inspected area.

(B) If cracks less than two inches in length are found, stop drill prior to further flight in accordance with Boeing Service Bulletin 737–57–1081, Revision 2, or later FAA approved revisions. Thereafter, reinspect daily, using eddy current or dye penetrant inspection methods. If crack growth is determined, or prior to the accumulation of an additional 400 hours' time in service, whichever occurs first, repair in accordance with (C) below.

(C) If cracks of two inches in length or greater are found, repair prior to further flight in accordance with Boeing Service Bulletin 737–57–1081, Revision 2, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Inspections required by paragraph (A) are to continue.

(D) Airplanes having cracks which require rework under this AD may be flown in accordance with FAR 21.197 to a base where rework can be accomplished.

(E) Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator, if the request contains substantiating data to justify the adjustment.

This amendment becomes effective January 8, 1973.

The manufacturer's specifications and procedures identified and described in this Directive are incorporated herewith and made a part hereof, pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

(Secs. 313(a), 601 and 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 Seattle, Washington on December 27, 1973.

J. H. TANNER,
Acting Director, Northwest Region.

[FR Doc.74–564 Filed 1–7–74;8:45 am]

[Docket No. 12391; Amdt. Nos. 47–17 and 91–120]

PART 47—AIRCRAFT REGISTRATION

PART 91—GENERAL OPERATING AND FLIGHT RULES

Registration Number on Airworthiness Certificate

The purpose of this amendment to Parts 47 and 91 of the Federal Aviation Regulations is to require that a U.S. airworthiness certificate (except certain special flight permits) carried on an aircraft have on it the registration number of the aircraft, except that the airworthiness certificate need not have on it an assigned special identification number before 10 days after that number is first affixed to the aircraft.

This amendment is based on a notice of proposed rule making (Notice No. 72–

31) issued on November 22, 1972, and published in the FEDERAL REGISTER on December 1, 1972 (37 FR 25532). Several comments were received in response to Notice No. 72–31 and the relevant comments are discussed below. Based upon these comments and upon further consideration by the FAA, several changes have been made to the proposed rule. Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

Four of the six comments received in response to Notice No. 72–31 were in favor of, or raised no objection to, the amendment as proposed. One of the commentators in favor of the proposal questioned whether under the proposal the aircraft owner would be permitted to make the change to the airworthiness certificate after a change in registration number. The commentator also questioned the effect of the cancellation of an aircraft's registration, for any of the reasons specified in Part 47, on the aircraft's airworthiness certificate, and whether the added airworthiness documentation, that would be required under the proposal, would impede title searches.

With respect to the commentator's first question, § 21.177 provides that an airworthiness certificate may be amended or modified only upon application to the Administrator. Therefore, under the proposal, after obtaining a new registration number, the aircraft owner would not be permitted to revise the aircraft's airworthiness certificate, but would be required to obtain a revised airworthiness certificate, showing the new registration number, from an FAA Flight Standards District Office. In order to avoid any misunderstanding as to who may revise an airworthiness certificate, the last sentence of § 47.15(f), that contains nonregulatory material, has been deleted and a sentence has been added at the end of § 91.27(a)(1) to make it clear that a revised airworthiness certificate having on it a special identification number, that has been assigned and affixed, must be obtained upon application to an FAA Flight Standards District Office. With respect to the commentator's second question, § 21.181 specifies the duration of airworthiness certificates and § 21.181 (a)(1) provides, in pertinent part, that a standard airworthiness certificate is effective (unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Administrator) so long as the aircraft is registered in the United States. Finally, in that the provision merely requires what has generally been done voluntarily in the past, the FAA foresees no added impediment in searches for title.

The Notice proposed to permit operations of an aircraft for a 10-day period, after a special identification number is first affixed to an aircraft, during which the operator could obtain a revised airworthiness certificate showing that special identification number. One commentator, while in favor of a requirement that the aircraft registration number be on the airworthiness certificate, contended that the 10-day period provided was insufficient and that 30 days would be necessary. The FAA does not believe this comment has merit since the owner of the aircraft can schedule the affixing of the special identification number to a time in which 10 days should be sufficient to obtain a revised airworthiness certificate.

One commentator asserted that the proposal would require added unnecessary paperwork. The FAA does not agree. As stated in Notice 72–31, the U.S. registration number of an aircraft is shown on the U.S. airworthiness certificate (except certain special flight permits), and a requirement that the current registration number appear on the airworthiness certificate would reduce the possibility of confusion with respect to an aircraft's identification without placing an undue burden on the aircraft operator.

Finally, the proposal has been editorially revised to make it clear that while a special flight permit is an airworthiness certificate, as revised, § 91.27(a)(1) will not require that a special flight permit have on it the aircraft's registration number.

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

In consideration of the foregoing, and for the reasons given in Notice 72–31, Parts 47 and 91 of the Federal Aviation Regulations are amended, effective February 7, 1974, as follows:

§ 47.15 [Amended]

1. By deleting the last sentence of § 47.15(f).

2. By amending the introductory language and subparagraph (1) of § 91.27 (a) to read as follows:

§ 91.27 Civil aircraft: Certifications required.

(a) Except as provided in § 91.28, no person may operate a civil aircraft unless it has within it the following:

(1) An appropriate and current airworthiness certificate. Each U.S. airworthiness certificate used to comply with this subparagraph (except a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c) of this chapter, appropriate sections of the air carrier manual required by Parts 121 and 127 of this chapter containing that portion of the operations specifications issued under § 21.197(c), or an authorization under § 91.45), must have on it the registration number assigned to the aircraft under Part 47 of this chapter. However, the airworthiness certificate need not have on it an assigned special identification number before 10 days after that number is first affixed to the aircraft. A revised airworthiness certificate having on it an assigned special identification number, that has been affixed to an aircraft, may only be obtained upon application to an FAA Flight Standards District Office.

* * * * *

Issued in Washington, D.C., on December 26, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–563 Filed 1–7–74;8:45 am]

[Airspace Docket No. 73–SO–71]

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

Alteration of Transition Area

On December 4, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 33404), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Fayetteville, N.C., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 28, 1974, as hereinafter set forth.

In § 71.181 (39 FR 435, 440), the Fayetteville, N.C., transition area is amended as follows:

"* * * longitude 79°00'55" W.) * * *" is deleted and "* * * longitude 79°00'55" W.); within 10 miles north and 2 miles south of Runway 27 extended and centerline, extending from the 10-mile radius area to 17.5 miles east of the runway end; * * *" is substituted therefor.

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

Issued in East Point, Ga., on December 21, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–566 Filed 1–7–74;8:45 am]

[Airspace Docket No. 73–SO–13]

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

Alteration of Transition Area

On March 8, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 6290), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Nashville, Tenn., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., February 28, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Nashville, Tenn., transition area is amended as follows:

"* * * long. 86°18'55" W.) * * *" is deleted and "* * * long. 86°18'55" W); within an 8-mile radius of Murfreesboro Municipal Airport (lat. 35°52'32" N, long. 86°22'45" W); within 3 miles each side of the 007° bearing from Lascassas RBN (lat. 35°52'18" N, long. 86°22'37" W), extending from the 8-mile radius area to 8.5 miles north of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on December 21, 1973.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-565 Filed 1-7-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER E—REGULATIONS UNDER NATURAL GAS ACT

[Docket No. RM74-9; Order No. 500]

PART 154—RATE SCHEDULES AND TARIFFS

Order Waiving Regulations and Establishing Procedures for Producer Filings Relating to Increase in Louisiana Severance Tax

DECEMBER 28, 1973.

In extraordinary session the State of Louisiana enacted an increase in its severance tax, effective January 1, 1974.[1] As a result, many producers making jurisdictional sales of natural gas produced in Louisiana may have the right to collect higher rates. In such circumstances the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.[2]

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30 day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822 (15 U.S.C. 717c(d))) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and to waive the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) with respect to any proposed change in rate based solely upon the increase in the Louisiana severance tax. Accordingly, any such proposed increase in rate may be filed in the form prescribed herein and if the filing is made on or before January 31, 1974, the 30 day notice period will be waived and an effective date of January 1, 1974, will be granted.[3] In the event a filing is made after January 31, 1974, it will be effective as of the date of filing.

Pursuant to this Commission's Opinion No. 598, as amended, issued July 16, 1971, in Docket Nos. AR61-2, et al., and AR69-1, and Opinion No. 607, as amended, issued October 29, 1971, in Docket Nos. AR67-1, et al., the area rates prescribed in said opinions for the Southern (onshore) and Northern Louisiana Areas, respectively, are adjusted upward by 87.5 percent of the subject increase in severance tax. All producers making sales in the Louisiana taxing jurisdiction are therefore entitled, to the extent contractually authorized under a tax reimbursement provision or otherwise, to file increased rates up to the new ceilings and such filings may be made pursuant to the provisions of this order without regard to the specific type of contractual authorization involved.[4] These filings will be accepted, without refund obligation.

Finally, we shall permit pipelines with purchased gas adjustment clauses, including those which may become effective after January 1, 1974, to accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30 day notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b)) and to waive the requirements of § 154.94(f) of the Commission's regulations (18 CFR 154.94(f)) with respect to the filing, as hereinafter ordered, of any appropriate supplement reflecting the increase in the Louisiana severance tax.

(2) The waiver of the requirements relating to notice and to filing herein adopted relieve a restriction and involve matters of Commission practice and procedure. The notice, hearing and effective date provisions of section 553 of Title 5 of the United States Code are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 7 and 16 thereof (52 Stat. 822, 824, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of Title 5 of the United States Code, orders:

(A) Rate schedule changes solely reflecting the increase in the Louisiana severance tax may be filed in the following form:

Field: _____
Parish: _____
Area: North Louisiana ☐ South Louisiana ☐

1. This filing is submitted pursuant to Commission Order No. _____ to reflect reimbursement of the increase in the Louisiana severance tax effective January 1, 1974, levied on producers of natural gas and/or casinghead gas.

2. Such reimbursement is provided by section _____ of the contract dated _____ between _____ and _____ on file with the Commission and designated _____ FPC Gas Rate Schedule No. _____.

3. A copy of this filing was served on the buyer as required by the Commission's Regulations on _____.

4. Comparison of rates prior to and subsequent to such change in rate (cents per Mcf at 15.025 p.s.i.a.):

Total price before increase	*Tax reimbursement increase*	*Total price after increase*	*Annual volumes*

☐ Total prices shown are subject to Btu adjustment.
☐ Total prices shown reflect Btu adjustment, based on Btu content of: _____

Filing party: _____
Address: _____
_____
Signed: _____

(B) The 30 day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) are waived with respect to those filings permitted by Ordering Paragraph (A) above.

(C) Any increased rate filing solely reflecting the increase in Louisiana severance tax which does not exceed the ap-

[1] The severance tax on gas was increased from 3.3¢ to 7.0¢ per Mcf. There is no change in the existing 1.3¢ per Mcf severance tax on gas from low volume gas wells, but the tax was increased from 1.3¢ to 3.0¢ per Mcf on gas produced from oil wells at pressures of 50 psig or less. The severance tax will not exceed 3.0¢ per Mcf for gas sold at a rate less than that authorized as the area ceiling rate by the Federal Power Commission under a written agreement in existence prior to May 1, 1972, which requires the seller to pay and bear all of the severance tax without any reimbursement, and will not exceed 4.0¢ per Mcf for gas sold under a written agreement in existence prior to November 25, 1973, which requires the seller to pay and bear 50 percent or more of the severance tax.

[2] Any small producer, who has been certified as such, is exempt from the filing provisions and requirements of this order for all sales made under such small producer certificates.

[3] In view of the effective date for the tax increase and the adoption of purchased gas adjustment clauses for pipelines, the effective date provisions of section 4.2 of the UDC settlement proposal in Opinion No. 598 are waived for sales from Southern Louisiana.

[4] It makes no difference whether a filing is permitted under the tax reimbursement provision or some other pricing provision in a contract.

plicable higher ceiling authorized under either Opinion No. 598 or 607, as amended, as a result of said tax increase shall be accepted, without refund obligation, effective as of January 1, 1974, if the filing is made on or before January 31, 1974, and as of the date of filing if the filing is made subsequent thereto.

(D) Pipeline companies with purchased gas adjustment clauses, including those which may become effective after January 1, 1974, may accumulate in their deferred accounts the increased costs relating to producer filings made pursuant to this order commencing with the effective date of the producer increases.

(E) This order shall be effective upon issuance.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-612 Filed 1-7-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[TD 74-18]

PART 1—GENERAL PROVISIONS

Customs Field Organization

On December 13, 1973, a notice of a proposal to establish a Customs port of entry at Fresno, California, in the San Francisco, California, Customs district (Region VIII), was published in the FEDERAL REGISTER (38 FR 34328). No comments were received regarding this proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), Fresno, California, is hereby designated a Customs port of entry in the San Francisco, California, Customs district (Region VIII), effective on January 1, 1974.

The geographical limits of the port will include all of the territory within the following boundaries:

Beginning at the junction of highway #145 and Manning Avenue, north on highway #145 to the San Joaquin River, east along the south bank of the San Joaquin River to highway #41, south on highway #41 to Herndon Avenue, east on Herndon Avenue to McCall Avenue, south on McCall Avenue to Manning Avenue, west on Manning Avenue to the junction of Manning Avenue and highway #145.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by inserting "Fresno, California (including the territory described in T.D. 74-18)" between "Eureka, Calif." and "Reno, Nev. (including the territory described in T.D. 73-56)," in the column headed "Ports of entry" in the San Francisco, California, Customs district (Region VIII).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2))

It is desirable to make the Customs port of entry available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

[SEAL] JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74-719 Filed 1-7-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS

Order To List Certain Optional Ingredients in Flour and To Require Label Declaration of All Optional Ingredients

Correction

In FR Doc. 73-25155, appearing at page 32787 in the issue of Wednesday, November 28, 1973, in the twelfth line of paragraph 6 in the third column, the word "content" should be inserted between the words "amylase" and "of".

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

SELENIUM IN ANIMAL FEED

In the FEDERAL REGISTER of April 27, 1973 (38 FR 10458), the Commissioner of Food and Drugs published a proposed amendment to the food additive regulations to provide for the safe use of selenium as a nutrient in the complete feed of swine and growing chickens up to 16 weeks of age at a level not to exceed 0.1 part per million and in the complete feed of turkeys at a level not to exceed 0.2 part per million.

During the 60-day comment period, 153 comments were received from members of industry, trade associations, consumer groups and individual consumers. The principal points raised by the comments and the Commissioner's conclusions are as follows:

1. Many comments stated that there is inadequate justification for the proposed use of selenium in view of the potential risk of cancer to humans from consumption of food derived from animals administered selenium. Some of these comments stated that three of the six studies conducted on the toxicity of selenium were not supportive of the safe use of selenium. Many of these comments indicated that the information on the proposal on which they were based was made available through newspapers and other lay publications.

In order that all facts regarding the human toxicity of selenium, including carcinogenicity, could be considered, the Commissioner provided a complete discussion of the scientific grounds for the proposed approval of selenium in the preamble to the proposal published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10458). Having conducted a thorough evaluation of the comments and all available scientific evidence on this issue, including consultation with scientists of the National Cancer Institute, the Commissioner has determined that the administration of selenium to domestic animals as provided by the approved petition will not constitute a carcinogenic risk to human consumers.

Scientific evidence on the carcinogenicity of selenium has been published by A. A. Nelson, O. G. Fitzhugh, and H. O. Calvery, *Cancer Research* 3:230–236, 1943; H. L. Klug and C. M. Hendrick, *Proceedings of the South Dakota Academy of Science*, 1954; M. N. Volgarev and L. A. Tsherkes, "Selenium in Biomedicine," *Symposium*, AVI Publishing Co., Westport, CT, 1967; J. R. Harr, J. F. Bone, I. J. Tinsley, P. H. Weswig and R. S. Yamamoto, "Selenium in Biomedicine," *Symposium*, AVI Publishing Co., Westport, CT, 1967; and H. A. Schroeder and M. Mitchener, *Journal of Nutrition* 101:1531–1540, 1971 and *Archives of Environmental Health* 24:66–71, 1972.

Selenium was initially thought to be carcinogenic on the basis of the studies of Nelson et al., which were designed to compare the toxicity of graded levels of naturally occurring selenium from grains produced in seleniferous areas with that caused by potassium ammonium sulfoselenide, a formerly used systemic insecticide. Liver tumors were produced in the treated rats, but whether or not these tumors resulted from the cirrhosis caused by the nutritionally inadequate test diets cannot be determined. While the studies of Volgarev and Tscherkes appeared to confirm the results of Nelson et al., no experimental controls were used, and it was subsequently found that the experimental animals were infested with a parasite that is known to produce tumors. A third study supporting the alleged carcinogenicity of selenium conducted by Schroeder and Mitchener could not be critically analyzed, since the selenium-treated rats lived longer than the control animals, and the tumor incidence may therefore have been due to the increased life span.

A later study by Schroeder and Mitchener conducted on mice failed to show any increase in tumor incidence caused by selenium administration. The studies by Klug and Hendrick and by Harr et al. also produced totally negative results for carcinogenic activity. These three studies were adequate, well controlled investigations in which no extraneous variables, such as those found in the studies discussed above, were present.

While selenium at high dietary levels (in excess of 2 parts per million in experimental animals) has been proven to be a hepatotoxic agent in these and other studies, the Commissioner concludes that its capacity to induce liver damage when

consumed in excessive amounts, which is possibly associated with a higher incidence of liver cancer, does not warrant its classification as a carcinogen (see the preamble to the proposal published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10460)).

Accordingly, the Commissioner concludes that the available scientific evidence does not definitely support classification of selenium at nutritionally required levels as carcinogenic, that the use of selenium under the conditions in the regulation presents no carcinogenic risk, and that the anti-cancer clause in section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act does not preclude the addition of selenium to animal feed as provided by the regulation.

2. One comment questioned the length of the toxicity studies on which the permissible levels of selenium are based.

Since lifetime studies in suitable test species are indicative of human toxicity, the Commissioner concludes that the results of these studies, coupled with data on the tissue residue distribution in livestock and poultry, support the safety of selenium when used under the provisions of the regulation.

3. One comment questioned whether long term exposure to selenium through residues in tissues might produce human toxicity over an extended period of time. Another comment provided information suggesting a relationship between high levels of selenium in the diet and the occurrence of dental caries.

No data available show long term toxic effects to humans from normal dietary exposure to selenium. The only human toxicity reported has been selenium intoxication resulting from inhalation through industrial overexposure. The dental caries noted were found in individuals from high seleniferous areas where the exposure to selenium would be far in excess of that present in the edible tissues of treated animals.

4. Several comments suggested that additional toxicity research be carried out by the Food and Drug Administration or that additional studies be run by independent laboratories.

The Commissioner concludes that the experimentation to date on the toxic effects of selenium has been performed on an objective basis by competent independent organizations and presented in an unbiased manner, and that additional studies by Food and Drug Administration or an independent laboratory are unnecessary to promulgate this regulation.

5. One comment questioned whether or not selenium is accumulated and stored in particular organs of poultry consumed by humans and whether or not the addition of selenium to poultry feed would consequently pose a human health hazard.

The residue data establish that, under the conditions of use established by the regulation, no substantial accumulation of selenium develops in the various tissues consumed, including white meat, dark meat, liver and kidney, at levels in excess of those found in animals having received rations containing optimum levels of natural selenium. The selective consumption of any particular tissues will therefore not present a foreseeable health hazard.

6. One comment proposed that promulgation of the regulation be deferred on the ground that the figures in the data on the tissue levels of selenium in chickens presented in the proposal appear to conflict, some figures being higher than others (Tables 4 and 5 in the proposal published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10459)).

While some of these data were collected on chickens treated with the amount of selenium provided by the regulation, other figures in the data were collected on chickens which had been treated with 20 times this amount. As explained in the proposal, at this excess level some degree of selenium accumulation occurs in tissues. The tissue residue patterns which develop upon selenium supplementation are subject to biological variation. Those variations in Tables 4 and 5 in the proposal are not statistically significant.

7. One comment expressed concern regarding toxicity of selenium residues in view of the toxicity shown in so-called monkey lambs which are produced from ewes which have consumed selenium accumulator weeds. The lambs are extremely deformed and are usually stillborn or die soon after birth.

The toxicity of selenium accumulator weed plants in high seleniferous areas is a well recognized syndrome caused by the consumption of these weeds which may contain several hundred parts per million of selenium. This is well in excess of any level found in the edible tissues of animals consuming selenium under the conditions of use established by the regulation.

8. One comment suggested that retail outlets should make available meats which are raised from animals free of additives as well as those to which additives have been given.

In the case of selenium, under the conditions of use specified in the regulation, the possibility exists that so-called "additive free" meat may have higher levels of selenium as a result of the natural selenium background, then meat derived from animals receiving selenium supplementation. This will depend upon the area of the country where the animal is fed.

9. One comment objected to the regulation on the ground that the addition of 0.1 and 0.2 part per million of selenium to animal feed does not take into consideration the selenium naturally present as background. The comment stated that the addition of such amounts would be significant since 0.5 part per million has been shown to be toxic. It further stated that selenium has caused death in animals at feeding levels between 1 and 2 parts per million and severe growth inhibition and reduction in longevity have been demonstrated at 0.5 part per million as published in "Selenium in Biomedicine", Symposium, Muth, O. P., J. E. Oldfield and P. H. Weswig, 1967, AVI Publishing Co., Inc., West Port, CT. To support the conclusion that selenium is highly toxic at low doses, the comment cited several studies. Two of these studies were conducted by Maag and Glenn (pp. 127–140 of previous citation) to assess the toxicity of selenium to farm animals.

The Commissioner concludes that this comment is without scientific basis. In the Maag and Glenn cattle experiment, although selenium doses were not consistent throughout the term of the experiment, four of six Hereford steers weighing approximately 550 pounds each were treated with 0.5 milligram of selenium per pound of body weight and died within six weeks of the initial treatment. This dosage provided a total intake of 275 milligrams of selenium per day. These steers would consume approximately 13.7 kilograms of feed per day. Therefore, the feed which was fatal to the steers contained 20.1 parts per million of selenium, not 1 to 2 parts per million as the comment suggested. In a sheep experiment also conducted by Maag and Glenn, a daily dose of 37.5 milligrams of selenium was fatal to eight of eight ewes that were treated. Since a 100 pound ewe will consume about 2.2 pounds of feed per day, the selenium level in this feed approximated 37.5 parts per million.

The comment's contention that 0.5 part per million of selenium (ppm Se) causes an 80 percent reduction in longevity in rats is also without basis. When Tinsley et al. (pp. 141–152 of previous citation) conclude that 0.5 milligram per kilogram per day is the threshold dose in rats, they are referring to the dose expressed on a kilogram of body weight, not of feed. Their data can be summarized as follows:

RATS LIVING 2 YEARS[1]

Diet:	*Percent survivors*
Control	22
Control+0.5 ppm Se	31
Control+2.0 ppm Se	26

These data do not show a reduction in longevity even in rats treated with 2.0 parts per million of selenium, provided that the protein content of the diet is near normal (22 percent). With low-protein diets the following data result:

RATS LIVING 2 YEARS[1]

Diet:	*Percent survivors*
Control	27
Control+0.5 ppm Se	22
Control+2.0 ppm Se	11

Here, 2 parts per million of selenium do cause a reduction in longevity, a finding which is consistent with the authors' contention that a protein deficiency accentuates selenium toxicity in rats.

With regard to the alleged growth inhibition caused by 0.5 part per million selenium in the reported study, Harr and Muth (Clinical and Toxicology 5 pp. 175–186, 1972) concluded that rats fed rations containing 6–16 parts per million selenium grew very slowly and died be-

[1] Adapted from pages 143 and 155 of previous citation.

fore 90 days of exposure; rats fed 4 parts per million selenium grew slowly and 10 percent lived 15–25 months; those fed the 0.5 part per million rations grew as well and lived as long as the controls.

The Commissioner therefore finds no grounds to change his original conclusion that 3.0 parts per million of selenium in feed approximates the minimum toxic level for selenium ingested by animals. This conclusion has been also expressed by the National Academy of Sciences in "Selenium in Nutrition," National Academy of Sciences, p. 50, 1971 and E. J. Underwood, in "Trace Elements in Human and Animal Nutrition," Academic Press, NY, p. 356, 1971.

10. One comment suggested that, rather than adding selenium to animal feeds, it should be added to fertilizers and thus increase the natural selenium background in feedstuffs.

The Commissioner rejects this proposal on the ground that it would be extremely uneconomic and would contribute substantially more quantities of selenium to the soils and run-off water than is necessary to accomplish the intended nutritive effect of the additive in livestock and poultry.

11. One comment recommended that selenium deficiency be counteracted by blending feedstuffs high in selenium with those low in selenium, thus eliminating the need for supplementation.

The Commissioner concludes that this technique for obtaining optimal levels of selenium in all feeds, although desirable, would not be practical because the marketing, shipment, and storing practices regarding various feedstuffs produced throughout the country preclude identification of those feedstuffs containing adequate quantities of selenium. Furthermore, inadequate quantities of high seleniferous feedstuffs are produced to provide for adequate blending with all other feeds produced from low seleniferous areas.

12. One comment proposed that selenium be administered to animals in salt free choice.

The Commissioner concludes that if selenium were only to be administered by way of free choice salt mixtures, there would be no way to insure that the animals would receive the required amount of selenium. It is well known that salt consumption varies not only from species to species but also in accordance with climatic and weather conditions. If selenium were to be administered both by free choice salt mixtures and by feed, the treated animals could receive twice as much selenium as is needed.

13. One comment opposed the supplementation of feeds with selenium as a means of treating selenium deficiency, suggesting that the most effective treatment for such deficiency is by the parenteral route of administration of Selenium-Vitamin E. The comment gave the following reasons: (a) Parenteral use of Selenium-Vitamin E is the most effective treatment method known, and either selenium alone or vitamin E alone or the combination of both in feed is not an efficient means to achieve equal effectiveness within a flock or herd, since some animals get less or more of each ingredient and the ratio cannot be controlled on account of interfering factors in the digestive system; (b) Danger to the animal and to public health from the strong tendency of selenium to be retained and accumulated in tissues posed by continuous selenium oral supplementation, as compared to the safety record of Selenium-Vitamin E parenteral products, is a strong reason for further study; (c) The argument of diminished productivity fails to support the use of selenium as a feed additive, since one injection for the life of the animal does not exceed the cost of continuous supplementation with selenium and the Vitamin E which is necessary to support selenium, the cost of lost animals, and the need for a longer withdrawal period to avoid dangerously high selenium residues upon slaughter. The comment attached the following references in support of this position: Weedam, F. J., Affidavit—May, 1967; Weedam, F. J., Personal Communication; Riker, J. T., Personal Communication; Tappel, A. L., Affidavit—April, 1969; Scott, M. L. Nutrition Abstracts and Reviews 32, 1962; Muth, O. H., P. H. Weswig and H. W. Pendell—Personal Communication; and Orstadius, K., G. Nordstrom and N. Lannek, Cornell Veterinarian 43, 1963.

The references submitted have been reviewed and evaluated, and the Commissioner concludes that they do not provide an adequate basis for altering the regulation. The statement that parenteral use of Selenium-Vitamin E is the most effective treatment method known is not supported by controlled studies comparing the productive performance of poultry and swine treated with a single parenteral injection of Selenium-Vitamin E to that of poultry and swine treated with diets containing nutritionally adequate quantities of selenium and Vitamin E. Nutritional supplementation has been demonstrated to alleviate the symptoms of selenium deficiency in swine and poultry, and there is thus little likelihood that such comparison would establish a superiority of the parenteral treatment. The submitted data on the use of Selenium-Vitamin E in lambs and calves do not directly relate to the proposed regulation for poultry and swine. These data do show that selenium in combination with Vitamin E is of subtherapeutic importance. The statement that selenium is retained and accumulated in the tissues is not supported by the tissue residue data summarized in the preamble to the proposal. Information is not available with regard to the comparative cost of parenteral use as opposed to the use of selenium alone in feed supplementation.

14. One comment stated that proof of deficiency should be shown prior to the utilization of selenium supplementation.

The Commissioner concludes that this approach would be insufficient to meet the problem. Because of the insidious nature of the selenium deficiency syndrome, it is often not detected until its adverse effects have been shown in the herd or flock. The animals are by that time severely debilitated, and therapy with selenium would not be effective in salvaging the production losses. The purpose of feed supplementation is to prevent the occurrence of such production losses.

15. Several comments expressed strong concern with respect to safeguards for the addition of selenium to animal feeds as provided by the regulation. Some of these comments questioned whether livestock and poultry producers would exceed the prescribed levels of administration, possibly resulting in unsafe residues. Others expressed the need for a residue monitoring process. One comment suggested that, to provide additional control, selenium be approved for marketing as a drug subject to the good manufacturing practice safeguards attendant in drug marketing.

The addition of selenium to animal feed provided by the regulation is subject to several safeguards. Such addition is governed by the requirements of the good manufacturing practice regulations (21 CFR Part 133) and the enforcement provisions of sections 402 and 409 of the act. All establishments manufacturing premixes containing selenium are subject to inspection by FDA and State inspection agencies. Methods of analyses for selenium in animal feeds and in edible tissues of animals are available. As a part of its wholesome meat and poultry inspection procedures, the U.S. Department of Agriculture has the responsibility for monitoring for residues in animal tissues, including selenium residues.

In addition to the foregoing controls, and in response to the concern expressed in the comments, the Commissioner has concluded that the regulation should be amended, as set forth below, to provide for additional control over the amount of selenium in the premix. Accordingly, paragraph (c) requires that no more than 90.8 milligrams of selenium be added to each ton of complete feed of chickens and swine, and no more than 181.6 milligrams of selenium be added to each ton of complete feed of turkeys. These levels are equivalent to 0.1 part per million and 0.2 part per million, respectively, the levels to be added to complete feed specified in paragraph (b). Paragraph (d) requires that each production batch of selenium premix be analyzed for selenium content so that these levels of selenium in the premix are not exceeded. This provision will assure the production of premixes that contain no more than the safe level of selenium.

The Commissioner has determined that the application of an analytical requirement to complete feeds is unnecessary and impractical. Since all feedstuffs contain selenium to a variable degree, feed analysis would not serve to prove whether or not the feed had been overfortified with selenium premix. Further, FDA has estimated that 50 million tons of feed would have to be analyzed at a cost per ton of about 15 dollars, and this cost would far exceed the prospective benefit from selenium usage.

While adequate safety information is available to show that over-fortified feeds would not cause an elevation in the selenium levels of animal tissues, the Commissioner has concluded that to help control over-fortification of the complete feed the regulation should be amended to add the following required language in the labeling of all selenium premixes: Caution: Follow label directions. The addition to feed of higher levels of this premix containing selenium is not permitted.

Selenium is not considered for approval as an animal drug since its labeling and conditions of use in this regulation bear no representations which would cause it to be an animal drug as defined by section 201(w) of the act. Its conditions of use as provided by the regulation meet the definition of a food additive in section 201(s) of the act, and it is approved as such.

16. One comment suggested that the use of the marker as indicated in the notice of filing of the petition published in the FEDERAL REGISTER of June 17, 1971 (36 FR 11675) be retained, but that a marker of reduced iron absorbent for sodium selenite or sodium selenate be used as specified by regulation. The comment presented a technique which would permit the differentiation between natural background and added selenium.

While the method appears to have merit, the Commissioner concludes that it has not been proven as adequate for adoption as an official procedure. Its use by persons or firms as an in-plant monitoring system would be considered appropriate and not precluded by the regulation.

17. Many comments objected to the limitation in the proposal that selenium premixes could not be used at rates in excess of 2 pounds per ton in complete feed, on the ground that this restriction would prevent the use of more dilute selenium premixes.

Since more dilute premixes do in fact permit the more precise manufacture of a complete feed, the Commissioner concludes that the use of such premixes containing selenium may be used. However, to assure that the removal of the 2-pound restriction does not affect the safety of the feed, the regulation has been modified to specify that in no case may turkey feeds contain more than 181.6 milligrams per ton of supplemental selenium or swine and chicken feeds more than 90.8 milligrams per ton of supplemental selenium.

18. One comment proposed that the regulation be amended to include a provision permitting the addition of 0.1 part per million of selenium to calf milk replacers.

Since this use was not included with supportive data in the food additive petition approved for filing, such use cannot at this time be incorporated in the regulation.

19. One comment requested that paragraph (c) of the proposal be amended to specify that in-plant premix preparation is permitted under the conditions of use provided therein.

Paragraph (c) of the regulation permits in-plant premix preparation.

20. Several comments objected to the proposed regulation on the ground that it would provide economic benefit to livestock and poultry producers rather than benefit to consumers.

Under the act, the Commissioner has the responsibility to approve a food additive petition under conditions under which the additive may be safely used, whether or not additional economic benefit occurs to its user. In this case, consumers will benefit from the administration of selenium to animal feed since considerable data have been reviewed which fully establish that use of selenium as provided by the regulation will contribute to the more efficient production for human consumption of poultry and swine.

A final environmental impact statement on the regulation is available for public inspection in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42, and the office of the Hearing Clerk, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120) Part 121 is amended by adding the following new section to subpart C:

§ 121.325 Selenium.

The food additive selenium may be safely used in accordance with the following prescribed conditions:

(a) The additive is used in animal feed as a nutrient in the form of sodium selenite or sodium selenate.

(b) It is added to the complete feed of growing chickens up to 16 weeks of age and to the complete feed of swine at a level not to exceed 0.1 part per million of added selenium; it is added to the complete feed of turkeys at a level not to exceed 0.2 part per million of added selenium.

(c) The additive shall be incorporated into each ton of the complete feed of growing chickens up to 16 weeks of age and of swine by a premix containing no more than 90.8 milligrams of added selenium and weighing not less than 1 pound. The additive shall be incorporated into each ton of the complete feed of turkeys by a premix containing no more than 181.6 milligrams of added selenium and weighing not less than 2 pounds.

(d) The premix manufacturer shall analyze each production batch of selenium premix and shall establish by such analysis that the levels of selenium specified in paragraph (c) of this section are not exceeded.

(e) The label or labeling of any selenium premix shall bear adequate directions and cautions for use including this statement: "Caution: Follow label directions. The addition to feed of higher levels of this premix containing selenium is not permitted."

(f) Feeds containing added selenium may not be administered to hens laying eggs for human consumption.

Any person who will be adversely affected by the foregoing order may at any time on or before February 7, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective February 7, 1974.

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

Dated: January 3, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–654 Filed 1–7–74;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

OVER-THE-COUNTER (OTC) DRUGS GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Notice of Hearing on Tentative Final Order for Antacid Products

In the FEDERAL REGISTER of November 12, 1973 (38 FR 31260), the Commissioner of Food and Drugs, pursuant to 21 CFR 130.301(a)(7), published a tentative final order for over-the-counter (OTC) antacid products.

Interested persons were invited within 30 days to submit written objections and to request an oral hearing before the Commissioner regarding this tentative final monograph. Ten requests for a hearing were received. In accordance with 21 CFR 130.301(a)(8), the Commissioner has scheduled an oral hearing on January 21, 1974 at 1:00 p.m. at the Food and Drug Administration, Conference Room F, 3rd Floor, 5600 Fishers Lane, Rockville, Maryland 20852.

The oral hearing will be limited to the administrative record, which consists of all of the data and information submitted in response to the request for data and information as published in the FEDERAL REGISTER of January 5, 1972 (37 FR 102) and pursuant to procedures for classification of over-the-counter drugs published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9464), the minutes of Panel meetings, the Panel report, the proposed order as published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8714), the comments submitted in response, and the tentative final order as published in the FEDERAL REGISTER of November 12, 1973 (38 FR 31260). The complete administrative record is on public display at the Office of the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852.

As this is a hearing on the administrative record, any new data or information may be discussed only if such material is first submitted to the Commissioner with a petition to reopen the administrative record to include such material, and the Commissioner grants the petition. Any such petition shall demonstrate good cause why such material could not have been obtained and submitted as part of the comments on the proposed monograph. If such a petition is not granted such material is properly submitted with a petition to amend the monograph pursuant to 21 CFR 130.301(a)(11).

Some of the issues raised by those requesting time to appear at the hearing involve 21 CFR 130.302, which sets forth general conditions for OTC drugs which are generally recognized as safe and effective and are not misbranded. That regulation became effective on December 12, 1973. The Commissioner has decided to hear views on that regulation. If any changes are concluded to be appropriate, a proposal will be published in the FEDERAL REGISTER to amend the regulation.

The time of the oral hearing will be divided according to the issues and the parties who wish to appear concerning the issues. If more than one party is listed after an issue, the parties may divide the time in minutes equally or they may choose a spokesperson(s) to use the allotted time.

Time in minutes	Issue	Interested party
10	I. Legal status of monograph	Proprietary Association.
10	II. Effective date of final order	Proprietary Association. Warner Chilcott.
20	III. Role of pharmacist: Request reference to pharmacists on label. Request third class of drugs.	American Pharmaceutical Association. American Association of Colleges of Pharmacy. New Jersey Pharmaceutical Association. National Association of Retail Druggists.
	IV. Monograph issues:	
20	A. Requests revision of antiflatulant monograph.	ICI America, Inc.
20	B. Opposes combination of antacid with analgesic.	Health Research Group.
	C. Antacid active ingredients	
10	1. In Vitro test validation is required.	Forest Laboratories, Inc. National Association of Pharmaceutical Manufacturers. Warner Chilcott.
10	2. Oppose requirement that each antacid active ingredient must constitute 25 percent of total neutralizing capacity.	National Association of Pharmaceutical Manufacturers. Warner Chilcott.
	D. Warnings.	
5	1. Language should not be mandatory.	National Association of Pharmaceutical Manufacturers.
10	2. Opposes warning where constipation or laxation occurs in 5 percent of users.	Do.
5	E. Directions for use should say "as needed".	Proprietary Association.
5	F. "Ethical labeling" should be changed to "Professional labeling".	National Association of Retail Druggists.
5	G. Quantitative ingredients should be listed.	American Pharmaceutical Association.
5	H. Other drug interactions should be listed.	Do.
5	I. Poison Control Centers should be included in 21 CFR 130.302(g).	American Association of Colleges of Pharmacy.

At the conclusion of the presentations brief rebuttal comments will be permitted during the time that remains.

Dated: January 3, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-653 Filed 1-7-74;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Redeterminations of Eligibility and Plans for Achieving Self-Support

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. Proposed § 416.222 of Subpart B would establish the frequency of redeterminations of eligibility. Proposed § 416.1731 of new Subpart Q provides basic guidelines for the exclusion from the countable income and resources of a blind or disabled individual, of the income and resources necessary to fulfill a plan for achieving self-support.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education,

and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before February 7, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 205, 1102, 1611(c), 1612(b), 1613(a), and 1631(d)(1), 53 Stat. 1368, as amended, 49 Stat. 647, as amended, 86 Stat. 1466, 1469, 1470, and 1476; 42 U.S.C. 405, 1302, 1382(c), 1382a(b), 1382f(a), and 1383(d)(1).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 21, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 2, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as set forth below.

1. Section 416.222 is added to proposed Subpart B to read as follows:

Subpart B—Eligibility

§ 416.222 Redetermination of eligibility.

Redeterminations of eligibility for and amount of benefits will be made at intervals not exceeding 12 months. The first redetermination for a recipient will apply to the current calendar quarter, all preceding calendar quarters occurring after the calendar quarter of first eligibility, and the four succeeding calendar quarters. A second or subsequent redetermination for a recipient will apply to the current calendar quarter, all preceding calendar quarters occurring since the latest prior redetermination, and the four succeeding calendar quarters. A redetermination remains in effect until information is received by the Administration which necessitates another redetermination because of a change in eligibility status or payment amount, or until the next scheduled annual redetermination is effected (see Subpart G of this part for reporting requirements).

2. Subpart Q is added to read as follows:

Subpart Q—Referral for Rehabilitation Services, Other Benefits, Other Services, and Assistance

§ 416.1731 Exclusion of income, resources, or income and resources of the blind and disabled pursuant to approved plans for achievement of self-support.

(a) *General.* Achievement of self-support by the needy blind or disabled is a primary objective of the supplemental security income program. Section 1612(b)(4)(A) and (B) of the Social Security Act provides for the exclusion from the countable income of a blind or disabled individual, of the income necessary to fulfill a plan for achieving self-support. Section 1613(a)(4) of the Act provides for the exclusion from such an individual's countable resources of resources necessary to fulfill a plan for achieving self-support.

(b) *Approval of a plan.* The plan must be in writing and approved by the Administration.

(c) *Elements of an approved plan for achieving self-support.* The plan must contain specific savings and/or planned disbursement goals for a designated occupational objective; there must be identification and segregation of such money and other resources as are being accumulated and conserved toward this goal.

(d) *Adherence to the plan.* The individual's adherence to the provisions of the plan for self-support is required for its continuing applicability.

(e) *Duration of an approved plan.* An approved plan for achieving self-support is limited to an initial period of 18 months. An extension for an additional period of up to 18 months may be granted where the Administration determines that such extension is required to achieve the goals of the previously approved plan for self-support; approval of a total period of up to 48 months is possible when the plan includes an educational goal which extends beyond the initial and extension periods.

(f) *Assistance in development of plan.* Upon request, an applicant for whom a plan for achieving self-support has not been approved by the Administration prior to the determination by the Administration that he is disabled or blind, shall receive all necessary assistance in expediting the referral of such individual for the development of such plan by the State vocational rehabilitation agency or the State agency for the blind, as appropriate. Such assistance shall be provided the applicant at the time of and in conjunction with his referral to such agency for rehabilitation or blind services.

(g) *State approved plans.* Despite the requirements of paragraphs (b), (c), and (d) of this section, a plan for achieving self-support approved by an agency administering a State plan under the provisions of title X, XIV, or XVI of the Social Security Act and still in effect at the time the blind or disabled individual otherwise becomes eligible for supplemental security income payments shall be considered to be an approved plan to achieve self-support and a basis for exclusion of income, resources, or income and resources, according to the terms and conditions of such plan for so long as such plan continues to be applicable to such individual, not to exceed the time periods specified in paragraph (e) of this section.

[FR Doc.74-576 Filed 1-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 144]

[CGD 73-177P]

UNMANNED PLATFORMS

Notice of Proposed Rulemaking

The Coast Guard is considering amending the regulations relating to lifesaving appliances on unmanned platforms. The present regulations require life preservers only while crews are working continuously on a 24-hour basis. The proposed amendment would require life preservers to be provided any time persons are on the platform.

The proposal results from a recent explosion and fire that resulted in deaths on an unmanned platform that was not provided with sufficient life preservers. The Coast Guard Board of Investigation and The National Transportation Safety Board recommended that the present regulations be amended to require Coast Guard approved life preservers for all persons on an offshore platform. This proposal would implement the recommendation and clarify existing language.

An unrelated technical change in 33 CFR 144.01-30 is proposed, to delete the word "supervisor" and add "person in charge", to refer to the person who shall keep the first aid kit on each manned platform. Minor changes are also made in the citation of authority.

Written comments. Interested persons are invited to participate in this rule making by submitting written data, views or arguments to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, 400 Seventh Street SW., Washington, D.C. 20590 (phone 202-426-1477). Written comments should include the docket number of this notice, the name and address of the person submitting the comments, and the specific section of the proposal to which each comment is addressed.

Closing date for comments. All relevant communications received on or before February 25, 1974, will be fully considered before final action is taken on this proposal. This proposal may be changed in light of comments received. Copies of comments received will be available for examination in Room 8234.

In consideration of the foregoing, it is proposed that Part 144 of Title 33 of the Code of Federal Regulations, be amended as follows:

1. By revising the citation of authority of Part 144 to read as follows:

AUTHORITY: Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

§ 144.01-30 [Amended]

2. By amending § 144.01-30 by striking the word "supervisor" and inserting the words "person in charge" in place thereof.

3. By revising Subpart 144.10 to read as follows:

Subpart 144.10—Unmanned Platforms

Sec.
144.10-1 Lifesaving equipment.
144.10-10 Other lifesaving equipment.

AUTHORITY: Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b).

§ 144.10-1 Lifesaving equipment.

(a) An unmanned platform must have the following lifesaving equipment:

(1) An approved life preserver (Type I PFD) for each person on the platform.

(2) An approved ring life buoy (Type IV PFD), constructed in accordance with Subpart 160.009 or 160.050 of Subchapter Q of this title, with an approved floating electric water light attached for every two persons on the platform, but no more than 4 ring life buoys with attachments, is required.

(b) Except as provided in paragraph (c) of this section, the lifesaving equipment required in paragraph (a) of this section must be stowed in an accessible place on the platform.

(c) A ring life buoy may be stowed on a manned vessel that remains alongside the platform if there is no available space to stow the buoy on the platform.

§ 144.10-10 Other lifesaving equipment.

Any lifesaving equipment on an unmanned platform that is not required in § 144.10-1 must meet the standards contained in Subpart 144.01 of this Part.

(Sec. 4(e), 67 Stat. 462 (43 U.S.C. 1333(e)); sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)); 49 CFR 1.46(b)).

Dated: December 28, 1973.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-538 Filed 1-7-74;8:45 am]

[46 CFR Part 160]

[CGD 73-153P]

RELEASES, LIFESAVING EQUIPMENT, HYDRAULIC AND MANUAL

Notice of Proposed Rule Making

The Coast Guard is considering amending the specifications for hydraulic releases by allowing tests and periodic servicing to be conducted at a laboratory acceptable to the Commandant, U.S. Coast Guard.

Interested persons are invited to participate in this rule making by submitting written data, views, or arguments to the Commandant (G-CMC/82), U.S. Coast Guard, Washington, D.C. 20590. Written comments should include the docket number of this notice (CGD 73-153P), the name and address of the person submitting the comment, the section number of the proposal to which the comment is addressed, any specific wording recommended, and the reason for any recommended change.

Comments received on or before February 25, 1974 will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Nassif Building, U.S. Coast Guard, Washington, D.C. 20590 both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

Present specifications for hydraulic releases require their servicing and repair to be performed by the manufacturer or a repair facility designated by the manufacturer. It was the intention of the Coast Guard in this specification to allow the manufacturer of a device to provide for its servicing at his factory or at repair facilities throughout the country; however, the nationwide repair facilities have not materialized and approved releases must presently return to their manufacturer after being in service for 12 to 15 months. This lack of local repair facilities is an inconvenience to vessel operators and manufacturers of approved inflatable liferafts who are dependent on the hydraulic release manufacturer as the only source for servicing the device. A change in the present requirements to permit storage of the devices for a reasonable period prior to installation would tend to eliminate this inconvenience.

In addition to the above problem, the vessel inspection regulations require hydraulic releases installed with lifesaving equipment to undergo servicing and testing at intervals of 12 to 15 months, as determined by the dates shown on their inspection tags. Since many of these devices are not installed immediately after their manufacture or reconditioning, they will show no deterioration to justify the effort of disassembly and repair. In an interval of 12 to 15 months of service, some devices will show more signs of deterioration than others. A change in the requirements to permit the use of a submergence test to determine the necessity for reconditioning a hydraulic release would reduce the number of devices requiring complete disassembly and repair.

Therefore, in order to alleviate the two problems outlined above, this document proposes changes permitting hydraulic releases a 9-month period of storage and the use of a preliminary submergence test to determine their operating condition. In addition, standards for the acceptance of repair facilities and facilities limited to submergence testing are also proposed. These major revisions are proposed with some minor editorial changes.

In consideration of the foregoing, the Coast Guard proposes to amend Subpart 160.062 of Title 46, Code of Federal Regulations, as follows:

§ 160.062-2 [Amended]

1. By amending § 160.062-2(c) by striking the words "Government laboratory" and inserting "laboratory accepted by the Commandant" in place thereof.

§ 160.062-4 [Amended]

2. By amending § 160.062-4 as follows:

a. By striking the words "Government laboratory designated by" in the second sentence of the introductory text of both paragraph (c) and paragraph (d)(2) and inserting "laboratory accepted by" place thereof.

b. By amending paragraph (d)(3) by striking the word "Government" in the fourth sentence of the introductory text.

c. By amending paragraph (d)(4) by striking the word "Government" in the third sentence.

d. By amending paragraph (e) by striking the words "designated repair facility" in the second sentence and inserting the words "a repair facility accepted by the Commandant in accordance with the procedure contained in § 160.062-7" in place thereof.

e. By revising paragraph (f) to read as follows:

§ 160.062-4 Inspections and tests.

* * * * *

(f) *Periodic Servicing and Testing.* A hydraulic release is inspected as follows:

(1) *Inspection for devices not installed after manufacture.* A hydraulic release, that is not installed after manufacture and is stored for period of 9 months or less, is not required to be inspected or tested before installation but must be stamped by a marine inspector on the inspection tag required in § 160.062-5(b)(2) with:

(i) The word "Installed";

(ii) The installation date; and

(iii) His initials.

(2) *Inspection for devices that have been installed.* A hydraulic release that is installed for a period of 12 months or more must pass the test contained in paragraph (f)(3) of this section and be marked as required in paragraph (f)(5) of this section. If, after passing the test, the device is stored for a period of 9 months or less, it must be stamped as required in paragraph (f)(1) of this paragraph by the marine inspector before reinstallation.

(3) *Devices stored longer than 9 months.* A hydraulic release that is stored for a period of more than 9 months must be inspected and tested by an employee of a repair or test facility, accepted in accordance with the requirement contained in § 160.062-7 or § 160.-062-8, as follows:

(i) The device must be manually operated to determine if it releases.

(ii) If the device releases, it must pass the submergence test contained in paragraph (c)(2)(i) of this section and be marked as required in paragraph (f)(5) of this section.

(iii) If the device fails to release or fails to pass the submergence test required in paragraph (f)(3)(ii) of this section, the device must be disassembled, repaired, and tested in accordance with the requirements contained in paragraph (f)(4) of this paragraph.

(4) *Disassembly and repair tests.* If a hydraulic release fails the test contained in paragraph (f)(3)(iii) of this section, it must be disassembled and repaired by the manufacturer or a repair facility accepted in accord with the requirements contained in § 160.062-7 and be tested as follows:

(i) A production lot must be formed consisting of 12 or more but not exceeding 100 devices.

(ii) In the presence of a marine inspector, the device must pass the submergence test contained in paragraph (c)(2)(i) of this section.

(iii) Any device that fails must be:

(A) Repaired;

(B) Placed in a subsequent lot; and

(C) Submitted to the submergence test contained in paragraph (c)(2)(i) of this section.

(5) *Marking of devices.* If a hydraulic release passes the submergence test required in paragraph (c)(2)(i) of this section, the marine inspector stamps the inspection tag with:

(i) The test date;

(ii) His initials; and

(iii) The letters "USCG".

3. By revising § 160.062–6(b) to read as follows:

§ 160.062–6 Procedure for approval.

* * * * *

(b) *Manufacturer's drawings and specifications.* The manufacturer must submit to the Commander of the Coast Guard District in which a proposed hydraulic release is to be manufactured, four copies of the:

(1) Detailed part and assembly drawings of the proposed device; and

(2) Specifications of the proposed device.

* * * * *

4. By adding §§ 160.062–7 and 160.062–8 to follow § 160.062–6 and to read as follows:

§ 160.062–7 Procedures for acceptance of repair facility.

(a) Before a repair facility is accepted by the Commandant to perform the services required in § 160.062–4(f), it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has:

(1) The testing apparatus to perform all the tests required in § 160.062–4;

(2) A source of supply of replacement parts for a hydraulic release or the capacity to manufacture replacement parts for it that are in compliance with applicable specifications and standards contained in § 160.062–1; and

(3) Employees competent to perform the services required in this paragraph. Each employee who is engaged in serving a hydraulic release must demonstrate his competence to the Officer in Charge, Marine Inspection by:

(i) Disassembling a hydraulic release;

(ii) Making all necessary repairs to the disassembled unit;

(iii) Reassembling the unit in conformance with the specifications and standards contained in § 160.062–1(a); and

(iv) Showing that the reassembled unit meets the buoyant capacity and release depth requirements contained in § 160.062–3 (b) and (c) after being inspected and tested in conformance with the requirements contained in § 160.062–4(f).

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies the facility that:

(1) It is an accepted repair facility for the reconditioning and testing of hydraulic releases; or

(2) It is not accepted as a repair facility, lists each discrepancy noted by the Officer in Charge, Marine Inspection, and describes the procedure for reinspection if applicable corrections are made.

§ 160.062–8 Procedures for acceptance of testing facility.

(a) The Commandant may consider the acceptance of a facility that conducts only the submergence test contained in § 160.062–4(c)(2)(i). Before a facility is accepted by the Commandant to conduct this test, it must be inspected by the cognizant Officer in Charge, Marine Inspection, to determine if it has:

(1) The testing apparatus to perform the test required in § 160.062–4(c)(2)(i); and

(2) Employees competent to perform the test required in § 160.062–4(c)(2)(i). Each employee who is engaged in testing a device must demonstrate his competence to the Officer in Charge, Marine Inspection by conducting a submergence test.

(b) Based on the report of the Officer in Charge, Marine Inspection, regarding the inspection required in paragraph (a) of this section, the Commandant notifies each applicant, in accordance with the procedures described in § 160.062–7(b), whether or not it is an accepted testing facility.

(R.S. 4400, as amended, R.S. 4491, as amended, sec. 3, 70 Stat. 152; sec. 6(b)(1), 80 Stat. 937 (46 U.S.C. 481, 489, 390b) (49 U.S.C. 1655(b)(1)) 49 CFR 1.46(b)).

Dated January 2, 1974.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–537 Filed 1–7–74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73–SO–68]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Moncks Corner, S.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received February 7, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 648, 3400 Whipple Street, East Point, Ga.

The Moncks Corner transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Moncks Corner Airport (latitude 33°11'30" N., longitude 80°02'00" W.); within 3 miles each side of the 226° bearing from Moncks Corner RBN (latitude 33°11'35" N., longitude 80°01'34" W.), extending from the 6.5-mile radius area to 8.5 miles southwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Moncks Corner Airport. A prescribed instrument approach procedure to this airport, utilizing the Moncks Corner (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on December 27, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–569 Filed 1–7–74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 73–SW–74]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making Regarding Bell Helicopters

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 47 series helicopters. There has been a failure of one cyclic control tube on a Model 47G–4A helicopter due to internal corrosion that possibly resulted in loss of helicopter control. Several cases of internal corrosion were noted on other Model 47 series cyclic and collective control tubes as a result of inspections. Since corroded control tubes are likely to exist on other Model 47 series helicopters, the proposed airworthiness directive would require disassembly and internal inspection of certain cyclic and collective control tubes on the Model 47 series helicopters within 100 hours and thereafter at 1200 hour intervals. The proposed airworthiness directive would

require replacement of corroded tubes, protection of the internal surface and sealing of the tube assembly to preclude corrosion. The agency found that several different part number tube assemblies are used on the 23 different versions of the Model 47 series. It also found that the problem is more critical for tubes in the vertical or near vertical configuration, where moisture in the lower end can attack the entire internal surface. To minimize confusion concerning the tube assembly part numbers, the proposed airworthiness directive will be effective for cyclic and collective tube assemblies that are installed within a 30 degree angle of the vertical axis of the helicopter.

Since this condition may occur on other makes and models of helicopters equipped with vertical control tubes having riveted ends, the agency proposes to require the submittal of reports to assess the magnitude of tube corrosion and to determine the necessity for mandatory inspections on vertical control tubes of other helicopter makes and models.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before February 9, 1974 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BELL. Applies to all cyclic and collective main rotor control tube assemblies installed within a 30 degree angle of the vertical axis on Model 47 series helicopters, certificated in all categories.

Compliance required within the next 100 hours time in service after the effective date of this A.D., unless already accomplished, and thereafter at intervals not to exceed 1200 hours time in service from the last inspection.

To detect corrosion and prevent possible failure of the control tube assemblies, accomplish the following inspection.

(a) Remove the control tube assemblies from the helicopter and remove the rod end bearing and insert or clevis at each end of the tube assembly and clean the inside of the tube.

(b) Inspect each control tube for internal corrosion using a light and borescope or equivalent inspection means.

(c) Remove corroded control tubes from service prior to further flight and submit a report of finding a corroded tube to Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, P.O. Box 1689, Fort Worth, Texas 76101. The control tube assembly part number, degree of corrosion found and total time in service should be included in the report. FAA Form 8330-2 may be used for this report. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

(d) Reinstall serviceable rod end bearings and inserts or clevis in the uncorroded and serviceable tubes using acceptable techniques, methods and practices.

(1) Tubes with double drilled rivet holes, sharp nicks or scratches and internal corrosion are considered unserviceable.

(2) Tubes must have internal corrosion protection using zinc chromate primer, hot linseed oil or other equivalent corrosion inhibitor and the tube ends must be sealed, air and water tight, using unreduced zinc chromate primer, or equivalent primer when the insert, rod end bearing or clevis and rivets are installed.

(e) Install control tube assemblies on the helicopter and check the controls rigging and check tracking of the main rotor blades in accordance with pertinent Model 47 maintenance and overhaul information manual.

(Bell Service Bulletin No. 47-11-73-1, Rev. A, dated 12-11-73 pertains to this subject.)

Issued in Fort Worth, Texas on December 27, 1973.

A. H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-568 Filed 1-7-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-115]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Shirley, N.Y., Transition Area (38 FR 578).

A review of the airspace requirements for the Shirley, New York, terminal area indicates that an alteration of the Shirley, New York, transition area will be required to provide controlled airspace in accordance with the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communication should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before February 7, 1973 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Shirley, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations by deleting the description of the Shirley, N.Y. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°49'00" N., 72°51'45" W., of Brookhaven Airport, Shirley, N.Y. and within 4.5 miles northwest and 6.5 miles southeast of the 065° bearing and the 245° bearing from the Peconic, N.Y. RBN, extending from 5.5 miles northeast to 11.5 miles southwest of the RBN, excluding the portions that coincide with the Islip, N.Y., Calverton, N.Y. and Westhampton Beach, N.Y. transition areas.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (49 U.S.C. 1348); sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on December 17, 1973.

L. J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.74-567 Filed 1-7-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Chapter II]

DECREASED ILLUMINATION OF HIGHWAYS

Proposal for Comments

The Federal Energy Office has announced that it is seeking a reduction of 50 percent in highway lighting energy requirements. This measure was announced to accelerate energy conservation efforts underway throughout the country.

Actions under consideration include formal requests to state and local governments, administrative changes in requirements for Federal highway construction and maintenance support and possible invocation of emergency powers when enacted.

In 1972, highway lighting took more than one-tenth of one percent of all energy consumption or about 40,000 barrels per day of oil equivalent. A vigorous program to reduce lighting along highways could save 20,000 barrels per day of oil equivalent.

During the recent power shortage in the Pacific Northwest, Oregon eliminated

the majority of the lighting on highways and reduced the level of lighting at interchanges by 50–55 percent. Complex ramps and interchanges remained lighted. Evidently, no additional accidents accrued as a result of this conservation measure.

In general, the approach on lighting reductions would be to eliminate major highway and freeway lighting except for interchanges, ramps, and hazardous areas and possibly reduce the level of lighting at interchanges, ramps, and hazardous areas. These actions would preserve uniform criteria which appear to be the most important standard to maintain in the interest of safety. Some variation of this approach may be warranted in urban areas where there is increased congestion. A lighting level maintained as uniformly as possible of about 0.6 horizontal foot candles would appear to be an appropriate goal, where lighting is now at higher levels, e.g., in urban areas.

Interested persons may, on or before the 23rd of January, 1974, file with the Director, Office of Energy Conservation, Federal Energy Office, New Executive Office Building, Washington, D.C. 20503, written comments, suggestions, or objections to this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the above address during working hours.

Dated: January 4, 1974.

JOHN C. SAWHILL,
Deputy Administrator.

[FR Doc.74-717 Filed 1-7-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 26]

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR OATS

Proposed Revision

Correction

In FR Doc. 26501 appearing at page 34668 in the issue of Monday, December 17, 1973, § 26255 should read as follows:

§ 26.255 Grades and grade requirements for oats.

(See also § 26.257.)

Grade	Minimum limits		Maximum limits		
	Test weight per bushel	Sound oats	Heat-damaged kernels	Foreign material	Wild oats
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*
U.S. No. 1	36.0	97.0	0.1	2.0	2.0
U.S. No. 2	33.0	94.0	0.3	3.0	3.0
U.S. No. 3[1]	30.0	90.0	1.0	4.0	5.0
U.S. No. 4[2]	27.0	80.0	3.0	5.0	10.0
U.S. Sample grade	U.S. Sample grade shall be oats which— (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, 3, or 4, (b) Contain more than 7 stones which have an aggregate weight in excess of 0.2 percent of the sample weight or more than 2 crotalaria seeds (*Crotalaria* spp.) per 1,000 grams of oats or more than 16 percent of moisture, (c) Have a musty, sour, or commercially objectionable foreign odor (except smut or garlic odor), or (d) Are heating or otherwise of distinctly low quality.				

[1] Oats that are slightly weathered shall be graded not higher than U.S. No. 3.
[2] Oats that are badly stained or materially weathered shall be graded not higher than U.S. No. 4.

Notices

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

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY AVIATION SYSTEMS COMMAND

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463) announcement is made of the following committee meeting:

The U.S. Army Aviation Systems Command will conduct a meeting of the Scientific Advisory Group for Aviation Systems (SAGAS) 0900 hours 10 January 1974 through 1200 hours 11 January 1974 at the U.S. Army Aeronautical Depot Maintenance Center (ARADMAC), Corpus Christi, Texas. The meeting will consist of a tour of the facilities and discussion of classified defense information. The meeting will not be opened to the public.

Any additional information concerning the above may be obtained from Mr. B. Thomas Horace, Executive Secretary, SAGAS, Autovon 698–3821.

FRED R. ZIMMERMAN,
Lt. Colonel, AGC,
Chief, Plans Office, TAGO.

JANUARY 2, 1974.

[FR Doc.74–605 Filed 1–7–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PHOSPHATE LEASING; OSCEOLA NATIONAL FOREST, FLA.

Notice of Hearings on the Draft Environmental Impact Statement

Published in the FEDERAL REGISTER, Vol. 38, No. 243, Wednesday, December 19, 1973, was a notice concerning hearings on the draft environmental impact statement on phosphate leasing in the Osceola National Forest, Florida. This notice stated that specific locations and times for the hearings would be made available in a subsequent release. This release is to fulfill that purpose.

Public hearings regarding the draft environmental impact statement, phosphate leasing on the Osceola National Forest, Florida, are scheduled as follows:

Date: January 15, 1974.
Time: 10:00 a.m.
Place: Jacksonville Hilton—Pavilion Room, Jacksonville, Florida.
Date: January 17, 1974.
Time: 10:00 a.m.
Place: James R. Tison Civic Auditorium, Lake City, Florida.
Date: January 21, 1974.
Time: 10:00 a.m.
Place: Tallahassee Hilton—Big Bend Room North, Tallahassee, Florida.

If necessary, the hearings may extend through the following day at each of the above locations.

The hearings will provide the Secretary with information from the public and private sectors to assist in the evaluation of the potential environmental effects of the issuance of forty-one (41) preference right leases and subsequent mining of government-owned phosphate.

The hearings will also provide the Secretary, under section 102(2)(c) of the National Environmental Policy Act of 1969, the opportunity to receive additional comments and views of interested state and local agencies.

Interested individuals, representatives of organizations, and public officials wishing to testify at the hearings are requested to contact the Director, Eastern States Office, Bureau of Land Management, 7981 Eastern Avenue, Silver Spring, Maryland 20910 (301–427–7500) by 4:00 p.m., January 10, 1974. Written testimony and comments from those unable to attend the hearings should be submitted to the above address by February 8, 1974.

Time limitations make it necessary to limit oral presentations to ten minutes. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the hearing officer at the time of oral presentation. Written statements presented in person at the hearings will be considered for inclusion in the hearing record.

To the extent that time permits, additional oral presentations may be made at the discretion of the hearing officer.

After all testimony and comments have been received and analyzed, a final environmental impact statement will be prepared.

CURT BURKLUND,
Director,
Bureau of Land Management.

JANUARY 4, 1974.

[FR Doc.74–696 Filed 1–7–74;8:45 am]

Bureau of Reclamation

CENTRAL VALLEY PROJECT, CA.

Draft Environmental Statement; Notice of Public Hearing

Pursuant to section 102(2)(C) of the National Environmental Quality Act of 1969, the Department of the Interior has prepared a draft environmental statement for the El Dorado Main No. 2—Pleasant Oak Main and Laterals of the Central Valley Project, California. This statement (INT DES 73–82) was transmitted to the Council on Environmental Quality on December 12, 1973, and was made available to the public on December 17, 1973.

The draft environmental statement concerns a proposal to construct two buried pipelines, laterals, and three regulating reservoirs to supply irrigation, municipal, and industrial water to portions of the El Dorado Irrigation District, located in the southwestern part of El Dorado County, about 30 miles east of Sacramento, California. The proposed facilities would deliver water from Jenkinson Lake, an existing feature of the Central Valley Project, to two service areas within the El Dorado Irrigation District.

A public hearing will be held in the multipurpose room of the El Dorado County Fairgrounds, Placerville Drive, Placerville, California, on Thursday, February 14, 1974, to receive views and comments from interested individuals or organizations relating to the environmental impacts of the proposed project. The hearing will begin at 9 a.m. and continue until all persons desiring to comment have been heard.

Individuals or organizations desiring to speak at the hearing should contact Mr. James E. Cook, Regional Planning Officer, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825 [telephone no. (916) 484–4221]. Requests to schedule oral presentations will be accepted until 4 p.m., February 11, 1974. Insofar as practicable, speakers will be scheduled according to the time preferences indicated in their letter or telephone requests.

Oral statements at the hearing will be limited to a period of 10 minutes per speaker. Speakers will not be permitted to trade or consolidate their scheduled time to obtain a longer oral presentation. However, the presiding officer at the hearing may allow any speaker to present additional oral comments after all other persons desiring to comment have been heard. Written comments by persons who desire to supplement their oral presentations and by those unable to attend the public hearing may be submitted to Mr. Cook until February 18, 1974, for inclusion in the hearing record.

Copies of the draft environmental statement are available for public review at the Mid-Pacific Regional Office of the Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825. Single copies of the statement may be obtained without charge by writing to the Regional Director, Bureau of Reclamation, at that address.

Dated: January 2, 1974.

G. G. STAMM,
Commissioner of Reclamation.

[FR Doc.74–585 Filed 1–7–74;8:45 am]

National Park Service

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10:00 a.m., C.s.t., on Friday, January 11, 1974, at the Indiana Dunes National Lakeshore Building, Chesterton, Indiana.

The purpose of the Commission is to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Liebar (Chairman), Indianapolis, Ind.
Mr. Harry W. Frey, Michigan City, Ind.
Mrs. Ione F. Harrington, Chesterton, Ind.
Mr. John A. Hillenbrand II, Batesville, Ind.
Mr. Ed Masiulis, Beverly Shores, Ind.
Mr. Harold G. Rudd, Portage (Ogden Dunes), Ind.
Mr. John R. Schnurlein, Valparaiso, Ind.

The matters to be discussed at this meeting include:

1. Superintendent's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
2. Land Acquisition Officer's report on matters relevant to Indiana Dunes National Lakeshore since the last meeting.
3. Discussion of horse trail progress.
4. Review of West Beach ingress, egress and parking facilities.
5. Discussion of proposed Expansion Bill.
6. Need for Planning Specialist on Superintendent's Staff.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, at 219–926–7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Superintendent's Office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

Dated: December 20, 1973.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–731 Filed 1–7–74;8:36 am]

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9:00 a.m. on Saturday, January 12, 1974, in the conference room of the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington.

The Committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Dr. Robert L. Whitner, Walla Walla, Washington
Mr. Leo V. Bodine, Boise, Idaho
Mr. J. Allen Jensen, Idaho Falls, Idaho
Dr. Richard M. Noyes, Eugene, Oregon
Mr. Wesley A. Phillips, Jr., Seattle, Washington
Hon. Lowell Thomas, Jr., Anchorage, Alaska

The matters to be discussed at this meeting include the master plans and wilderness hearings for Olympic and Mount Rainier National Parks, new area proposals in Alaska, Idaho, and Oregon, campground fee legislation, and new regions of the National Park Service.

The meeting will be open to the public. Any person may file with the Committee a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact Glenn D. Gallison, Acting Associate Regional Director, Cooperative Activities, Pacific Northwest Region, National Park Service, at 206–442–5962. Minutes of the meeting will be available for public inspection three weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington.

Dated: December 20, 1973.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–730 Filed 1–7–74;8:36 am

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BOARD OF TRADE OF KANSAS CITY, MISSOURI, INC.

Vacating Certain Designations as a Contract Market

On July 1, 1973, the Board of Trade of Kansas City, Missouri, Inc. was designated as a contract market for grain, millfeeds, soybeans, and live beef feeder cattle. The designation for grain includes wheat, corn, oats, barley, rye, flaxseed, and sorghums.

Upon the request of said Board of Trade and pursuant to section 7 of the Commodity Exchange Act, as amended (7 U.S.C. 11), I hereby vacate the designations of the Board of Trade of Kansas City, Missouri, Inc., for millfeeds and live beef feeder cattle, and as much of the grain designation as pertains to oats, rye, barley, and flaxseed, effective April 1, 1974.

Subsequent to April 1, 1974, the Board of Trade of Kansas City, Missouri, Inc., shall remain designated as a contract market for wheat, corn, grain sorghums, and soybeans.

Such designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this order and the order of July 1, 1973 may constitute either a single designation or four designations.

Issued: January 3, 1974.

CLAYTON YEUTTER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74–642 Filed 1–7–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Foreign Availability Subgroup of the Numerically Controlled Machine Tool Technical Advisory Committee will be held January 23, 1974, at 1:00 p.m. in Conference Room A of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to numerically controlled machine tools, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks and review of the purpose of the Subgroup by Irwin H. Dennen, Chairman.
2. Presentation of papers or comments by the public.
3. Review of data collected by Subgroup members on foreign availability of numerically controlled machine tools and preparation of report to the Committee.
4. Executive session: Continuation of review and report preparation.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1–3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to section 10(d) of Pub. L. 92–463, that

this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in (5 USC 552(b)(1)).

Further information may be obtained from Irwin H. Dennen, Chairman of the Subgroup, Pratt and Whitney Machine Tool Division, Charter Oak Boulevard, West Hartford, Conn. 06101 (A/C 203–236–6221).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: January 3, 1974.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.74–586 Filed 1–7–74;8:45 am]

MIAMI UNIVERSITY

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

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

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

Docket Number: 73–00518–01–61000. APPLICANT: Miami University, Oxford, Ohio 45056. ARTICLE: Pulmac zero span tester. MANUFACTURER: Pulmac Instruments, Ltd., Canada. INTENDED USE OF ARTICLE: The article is intended to be used to study the properties of paper and the pulp from which the paper is made. The article will be used to measure the tensile strength at very small but precise distances between the jaws until a theoretical zero distance is used. The article will also be used by graduate students to study structure in connection with various research problems directed toward obtaining basic information which will be useful in developing paper with greater strength and durability. COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article is capable of measuring tensile strengths of specimens ranging from near zero to 0.5 centimeter in length. The National Bureau of Standards (NBS) advised in its memorandum dated December 13, 1973 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Assistant Director, Special Import Programs Division.

[FR Doc.74–611 Filed 1–7–74;8:45 am]

STATE OF MICHIGAN ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before January 28, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

DOCKET NUMBER: 74–00215–99–03400. APPLICANT: State of Michigan, Michigan School for the Deaf, Flint, MI 48502. ARTICLE: Verbotonal Equipment and Supplies. MANUFACTURER: Service European De Diffusion Des Inventions, France. INTENDED USE OF ARTICLE: The article is intended to be used in a research and demonstration project to determine the effectiveness of the Verbotonal approach in preschool instruction of young deaf children. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: November 19, 1973.

DOCKET NUMBER: 74–00227–33–46040. APPLICANT: University of South Carolina, Columbia, South Carolina 29208. ARTICLE: Electron Microscope, Model JEM 100B. MANUFACTURER: JEOL Ltd., Japan. INTENDED USE OF ARTICLE: The article is intended to be used for studies involving high resolution analyses of protein fibers and membrane systems in organisms as well as routine low magnification works. Other studies concern high resolution investigations of DNA fibers, and lattice structures and their deformation of thin metal crystals; and the synthesis of matrix fibers and their assemblage into the matrix. The article will also be used in the graduate course (Biology 760, 760L) entitled "Electron Microscopy" consisting of a lecture and laboratory sessions and designed to give students basic training in biological electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: November 30, 1973.

DOCKET NUMBER: 74–00228–33–77040. APPLICANT: The Salk Institute for U.S. Govt. Contract #(AID/csd–2785), P.O. Box 1809, San Diego, California 92112. ARTICLE: Mass Spectrometer System, Model CH–5. MANUFACTURER: Varian, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for research in population control. Intended application of the article will mainly be structural studies of peptides, particularly those derived from the hypothalamus. These studies can be grouped into four major areas:

I. Direct Sequence Determination of Peptides.

II. Precision Mass Determination.

III. GC–MS Analysis of the PTH Derivatives of Amino Acids.

IV. Direct Evaporation Analysis of the PTH Derivatives.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: November 30, 1973.

Docket Number: 74–00229–01–07500. APPLICANT: University of Miami, Rosenstiel School of Marine and Atmospheric Science, 101 Rickenbacker Causeway, Miami, Florida 33149. ARTICLE: Dynamique Flow Microcalorimeter. MANUFACTURER: Techneurop, Inc. Canada. INTENDED USE OF ARTICLE: The article will be used to conduct heat of mixing research on seawater and all its constituent elements. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1973.

Docket Number: 74–00230–33–46500. APPLICANT: The University of Michigan, 1335 E. Catherine Street, Ann Arbor, Michigan 48104. ARTICLE: Ultramicrotome, Model Om U3. MANUFACTURER: C. Reichert Optische Werke AG, Austria. INTENDED USE OF ARTICLE: The article is intended to be used to section areas of tissue which have been pre-selected from 1 micron-thick sections. The tissue to be examined is normal red and white blood cells and leukemic cells from the blood and bone marrow of patients in the hospital, other malignant and benign neoplasms from patients and biopsies of lymph nodes, kidney, skeletal muscle and liver. The article will be invaluable in learning and understanding the ultrastructural characteristics of the various tissues, malignant cells and disease processes. The article will also be used in diagnosing dis-

eases of the kidney, muscle and liver. In addition, the article will be used for educational purposes in the course entitled "Electron Microscopy and Biological Sample Preparation" which consists of learning the preparatory techniques for electron microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 3, 1973.

Docket Number: 74–00232–33–46040. Applicant: University of Hawaii at Hilo, P.O. Box 1357, Hilo, Hawaii 96720. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article is intended to be used for experiments designed to determine electron microscopically the histological, fine histological and ultrastructure of the neoplastic tissues of marine vertebrates and invertebrates. The article will also be used as an educational tool in the courses: Biochemistry (410), Cellular Physiology (415), Directed Research (499), Invertebrate Zoology (204), Plant Physiology (416) and Marine Pathology (419). Emphasis will be on instruction in the preparation of biological materials for electron microscopy, on the management of the instrument, its use for taking electron micrographs, the interpretation of these and the relating of such micrographs to light micrographs. Application Received by Commissioner of Customs: December 4, 1973.

Docket Number: 74–00233–33–46070. Applicant: Bowling Green State University, Bowling Green, Ohio 43403. Article: Scanning Electron Microscope, Model HHS–2R. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended Use of Article: The article is intended to be used for ultrastructure studies of freshwater diatoms specifically a detailed description of the differences in morphology of *Thalassiosira fluviatilis* and *Cocconeis pediculus*. Analysis of wall structure in germinating pollen will be carried out to determine structural modifications in exine degradation which allows pollen to germinate. The article will also be used to train undergraduate as well as graduate students in the use of the scanning electron microscope. Application Received by Commissioner of Customs: November 28, 1973.

DOCKET NUMBER: 74–00234–33–46500. APPLICANT: Montana State University, Bozeman, Montana 59715. ARTICLE: Ultramicrotome, Model LKB 8800A and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for ultrathin and semi-thin sectioning of plastic sections for light microscopic study. Experiments to be conducted include experiments on the cellular reaction to lesions in the mammalian central nervous system, most notably, experiments designed to study the reaction of phagocytic, scarring, and myelinating elements of the central nervous system. The article will also be used in a basic Biological Electron Microscopic Techniques course for graduate students as well as in gradulate courses involving specific research, i.e., Special Problems and Dissertation Research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1973.

DOCKET NUMBER: 74–00235–00–46500. APPLICANT: Veterans Administration Hospital, 800 Stadium Road, Columbia, Missouri 65201. ARTICLE: Cryokit. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is an accessory to an ultramicrotome being used to perform frozen sections on both neoplastic and non-neoplastic tissues for rapid evaluation of morphology. In addition, histochemical and immunologic ragging of various ultrastructural components, which require the use of fresh tissue without fixation or imbedding in the usual epoxy resins will be carried out. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1973.

DOCKET NUMBER: 74–00236–33–46500. APPLICANT: New York State Department of Health, Division of Laboratories & Research, 120 New Scotland Avenue, Albany, New York 12201. ARTICLE: Ultramicrotome, Model LKB 8800A and accessories. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used in the preparation of sections of varying thicknesses of a variety of biological materials, mainly human tissue, blood or bone marrow cells and cell cultures from both normal and pathological conditions including connective tissue diseases and lymphoma. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1973.

DOCKET NUMBER: 74–00237–00–46500. APPLICANT: The Johns Hopkins University, School of Medicine, The Johns Hopkins Hospital, Orthopaedic Research Laboratory, 601 North Broadway, Baltimore, Maryland 21205. ARTICLE: Cryokit. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is a low temperature sectioning accessory to an ultramicrotome to be used to obtain fresh frozen unfixed sections of human cartilage biopsy material from patients who suffer from a variety of genetic and metabolic disorders. Experiments will be conducted in animals to try to mimic the cartilage disease states found in man. The equipment will also be used by graduate and medical students, following an appropriate period of training. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 4, 1973.

DOCKET NUMBER: 74–00238–33–43780. APPLICANT: Pondville Hospital, Box 111, Walpole, Massachusetts 02081. ARTICLE: Betatron, 45 MEV. MANUFACTURER: Brown-Boveri, Switzerland. INTENDED USE OF ARTICLE: The article is intended to be used for clinical electron beam research. The initial projects for investigation are as follows:

(1) Use of high energy photon beams of 42 MV for treatment of Hodgkin's Disease.

(2) Design and applications of variable collimator for use in electron beam ranges of 5–45 MeV.

(3) Use of wedge filters with x-ray beams of 45 MV.

(4) Variations of percentage depth doses with beam areas of a 45 MV Betatron and its clinical applications.

(5) Role of combined modalities, high energy photons and high energy electrons in selective treatment of patients.

(6) Small angle pendulum therapy with high energy electron beams. The article will also be used for teaching the principles of electron beam therapy to both undergraduates and graduate students of Boston University, School of Medicine, in addition to residents in training in radiation therapy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 6, 1973.

DOCKET NUMBER: 74–00242–25–65600. APPLICANT: Clarkson College of Technology, Potsdam, New York 13676. ARTICLE: High Voltage Construction Kit. MANUFACTURER: Messwandler-Bau GMBH, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used for generating 200 kv. a.c. and 200 kv. d.c. and 260 kv. impulse voltage which will be used in the following research and experiments:

(1) Insulation breakdown: voltage measurements with various electrodes and also as a function of gas pressure,

(2) Powerless measurements to assess the power factor of cables and hence to calculate the power dissipation,

(3) Flash over measurement,

(4) Measurement of harmonics for various rectifier connections, and

(5) Measurement of H.V. impulse wave shapes.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 7, 1973.

Docket Number: 74–00239–33–43780. Applicant: Rutgers University, Institute of Animal Behavior, 101 Warren Street, Newark, New Jersey 07102. Article: Stereotaxic Headholder. Manufacturer: Victor Kuikka, Sweden. Intended use of article: The article will be used in a course, Neurophysiology and Behavior Laboratory 990:568, to train graduate students in its use for brain surgery in experimental animals (rats). Application received by Commissioner of Customs: December 6, 1973.

Docket Number: 74–00240–34–43780. Applicant: University of California, Los Angeles Child Amputee Prosthetics Project, 25–26 Rehabilitation Center, 1000 Veteran Avenue, Los Angeles, California 90024. Article: Electric Prosthetic Components. Manufacturer: Variety Village Electro Limb Production Centre, Canada. Intended use of article: The article is intended to be used in research to determine the effectiveness and applicability of selected electrical prosthetic components for child amputees. Application received by Commissioner of Customs: December 6, 1973.

Docket Number: 74–00241–33–46595. Applicant: State University of New York, Health Sciences Center, Stony Brook, New York 11790. Article: Microtome,

MSE 9004. Manufacturer: Measuring and Scientific Equipment Ltd., United Kingdom. Intended use of article: The article is intended to be used for microscopic investigation of a variety of lung diseases especially those changes involving disruption of normal lung stroma (emphysema). The article will also be used to cut material which will be used in the teaching of General and Systems (Respiratory) Pathology to first year medical and dental students. Application received by Commissioner of Customs: December 6, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Assistant Director,
Special Import Programs Division.

[FR Doc.74-607 Filed 1-7-74;8:45 am]

UNIVERSITY HOSPITAL, AUGUSTA, GA.

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

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

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

DOCKET NUMBER: 74-00100-33-90000. APPLICANT: University Hospital, Diagnostic Radiology, 1350 Walton Way, Augusta, Georgia 30901. ARTICLE: EMI Scanner System. MANUFACTURER: EMI Limited, United Kingdom. INTENDED USE OF ARTICLE: The foreign article is intended to be used in clinical investigation and evaluation for tomography with the use of a computer to determine the density of the tissue through which the rays pass. It will also be used for diagnosis of diseases of the human brain including brain hemorrhage, thrombosis, and subdural hematoma, as well as, in the examination of the brain for various tumors and variations in size of ventricular system.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. We find that the speed and accuracy of the article is pertinent to the applicant's use in clinical investigations, evaluation of this specific type of tomographic x-ray analysis system, and for teaching examination and diagnosis of brain disease. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated December 6, 1973 that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Assistant Director, Special
Import Programs Division.

[FR Doc.74-608 Filed 1-7-74;8:45 am]

UNIVERSITY OF ALABAMA

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

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

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

DOCKET NUMBER: 74-00113-33-02300. APPLICANT: University of Alabama in Birmingham, University Station, Birmingham, Alabama 35294. ARTICLE: Automatic feeding apparatus for small laboratory animals. MANUFACTURER: Andreas Hofer, Switzerland. INTENDED USE OF ARTICLE: The foreign article will be used in research directed toward the estimation of the caries potential of snack foods in a definite meal pattern to compare the incidence of caries induced by snack foods. Specifically, the use of an automatic feeding machine will remove one of the weakness of caries studies involving food with animal models, the continual presence of the test agent in the diet and permit the interspacing with non-cariogenic foods.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides automatically programmed 24 hour feeding of test animals. The capability described above is pertinent to the applicant's use in research on tooth decay. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated December 6, 1973 that it knows of no domestic apparatus of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SOPPA,
Assistant Director, Special
Import Programs Division.

[FR Doc.74-610 Filed 1-7-74;8:45 am]

UNIVERSITY OF PENNSYLVANIA

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

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

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

DOCKET NUMBER: 74-00082-33-37100. APPLICANT: University of Pennsylvania, Department of Microbiology, School of Dental Medicine, 4001 Spruce Street, Philadelphia, Pennsylvania 19174. ARTICLE: Yeda Press. MANUFACTURER: Yeda Research & Development Co., Ltd., Israel. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research on virus infected KB living cells. Specifically, the virus-infected cells will be factionated and virus antigens located in order to document membrane alterations.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The applicant's use is in the disruption of virus-infected KB cells which will require the combination of controlled osmotic shock and pressure change provided by the article. We find the capabilities described above are pertinent to the purpose for which the article is intended to be used.

The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated November 23, 1973 that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended purposes. HEW also cites as precedents its prior recommendations relating to Docket Numbers 73-00158-33-37100 and 73-00203-33-37100 which conform in certain particulars with this application.

The Department of Commerce knows of no other instrument or apparatus of

equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Assistant Director,
Special Import Programs Division.

[FR Doc.74-609 Filed 1-7-74;8:45 am]

WORCESTER FOUNDATION ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).).

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

DOCKET NUMBER: 74-00088-33-46040. APPLICANT: Worcester Foundation for Experimental Biology, Inc., 222 Maple Avenue, Shrewsbury, Massachusetts 01545. ARTICLE: Electron Microscope, Model EM 301 and accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research to probe the relationship between structure and function in protein-nucleic acid and protein-protein interactions. The biological systems to be studied will be (1) RNA tumor viruses, (2) E. coli bacteriophage T4, (3) adenoviruses, (4) SV-40, (5) DNA polymerase complexes and (6) heterogeneous RNP particles. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 22, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: November 23, 1973.

Docket Number: 74-00089-33-46040. APPLICANT: University of Cincinnati, College of Medicine, Eden & Bethesda Avenues, Cincinnati, Ohio 45219. ARTICLE: Electron Microscope, Model EM 300 and accessories. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research dealing with the structure and composition of subcellular and viral components isolated from the kidneys of experimental animals and humans. The ultimate purpose of these investigations is to elucidate a cause and effect association between virus infection and chronic renal disease. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 21, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: November 23, 1973.

Docket Number: 74-00090-33-46040. APPLICANT: University of California, Cancer Research Laboratory, 230 Warren Hall, Berkeley, California 94720. ARTICLE: Electron Microscope, Model Elmiskop 102 with double tilting cartridge. MANUFACTURER: Siemens AG, West Germany. INTENDED USE OF ARTICLE: The foreign article is intended to be used in cancer research on the structure and function of animal cells, cell parts, and viruses. Specifically, one research group will be concerned with comparing normal with precancerous and cancerous cells from the mammary glands of laboratory mice with respect to their structure, development, response to hormones, and other physiological properties for determining the genesis of breast cancer. Another research group will study the mechanisms of secretion and response to various hormones in vertebrate and invertebrate animals, the broad goal being understanding of evolution and comparative function of endocrine systems. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 23, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: November 23, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4C has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Assistant Director,
Special Import Programs Division.

[FR Doc.74-606 Filed 1-7-74;8:45 am]

National Oceanic and Atmospheric Administration

NELLY AND ANDRE BRUNEAU

Notice of Public Hearing

Notice is hereby given that, as authorized by § 216.15 of the regulations governing the taking and importing of marine mammals (37 FR 28177, December 21, 1972) a hearing will be held at 10:00 a.m., local time, February 13, 1974, in the penthouse conference room, National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007. The purpose of the hearing is to consider the application for a public display permit from Nelly and Andre Bruneau for the taking of one (1) California sea lion (*Zalophus californianus*) which will be trained and exhibited in their traveling performing sea lion show. The sea lion will be a member of a show that performs at circuses, fairs and shopping centers. The sea lions are transported between exhibition sites in a truck.

The National Marine Fisheries Service has received inquiries from three other persons who have similar sea lion acts which utilize trucks as means of transporting and housing. It is the desire of the National Marine Fisheries Service to receive public comment on the specific application outlined above as well as on the concept of traveling marine mammal exhibits.

Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between January 8, 1974 and 15 days following the hearing. Written comments should be submitted, and inquiries with respect to this hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or to the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, or to the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 2, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-572 Filed 1-7-74;8:45 am]

NELLY AND ANDRE BRUNEAU

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied for a permit

to take marine mammals for public display as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and § 216.12 of the regulations governing the taking and importing of marine mammals (37 FR 28177, December 21, 1972) and pursuant to the instructions for preparing applications for permits (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient for consideration under the provisions of § 216.15(a) of the regulations.

Nelly and Andre Bruneau, Van Donwen's Seals, 197 Morriston Road, Gillette, New Jersey 07933, to take one young female California sea lion (*Zalophus californianus*), which will be trained and exhibited in their traveling performing sea lion show.

Van Donwen's Seals perform with circuses and at fairs and shopping centers. This trained sea lion show is presented for 8 to 10 minutes twice daily, with three shows on Saturday. Such shows are normally performed 25 to 30 weeks each year. Van Donwen's Seals have been exhibited throughout Europe and North America since 1955.

The show is planned around six trained sea lions. Currently, the Applicant owns five sea lions. The sixth, which had performed with Van Donwen's Seals since 1956, died in August 1973.

The sea lions are transported between exhibition sites in a truck, 16 feet long, 8 feet wide and 9 feet high in interior dimensions. Two of the currently owned sea lions are maintained in individual cages, 6 feet wide, 4 feet high and 4 feet deep. Three younger sea lions are kept in one cage, 8 feet wide, 4 feet high and 4 feet deep. The requested sea lion will be maintained in a facility similar in dimension to the latter. Two pools are available to the sea lions. One, 18 inches deep, is within the truck, directly beneath the cages. The second is a portable pool, 6 feet long, 5 feet wide and 3½ feet deep. These facilities and arrangements for maintaining and transporting sea lions have been inspected by a licensed veterinarian, who has certified that such facilities and arrangements are adequate to ensure the well-being of the animals.

The requested sea lion will be trained to perform in the show, replacing the sea lion which died in August. The sea lion will be taken prior to April 1, 1974, from the beach on the Channel Islands, California. A professional collector, using a hoop net, will capture the animal under appropriate wind and temperature conditions. Following acclimation to captivity by the collector, the sea lion will be transported via commereial airline to the Applicant's permanent residence, the Phifer Animal Farm, Gillette, New Jersey.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202–343–4543;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930, telephone 617–281–0640;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–548–2575;

Concurrent with the publication of this notice in the FEDERAL REGISTER the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Pursuant to § 216.15 of the regulations, interested parties may submit written data or views on this application on or before February 7, 1974.

Comments should be sent to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicants and do not reflect the views of the National Marine Fisheries Service.

Dated: January 2, 1974.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74–571 Filed 1–7–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SELENIUM IN ANIMAL FEED

Availability of Final Environmental Impact Statement

The Commissioner of Food and Drugs published a notice in the FEDERAL REGISTER of April 27, 1973 (38 F.R. 10458) proposing a food additive regulation to provide for the safe use of selenium as a nutrient in the complete feed of swine and growing chickens up to 16 weeks of age at a level not to exceed 0.1 part per million of selenium, and in the complete feed of turkeys at a level not to exceed 0.2 part per million of selenium.

Notice is hereby given that a statement entitled "Final Environmental Impact Statement—Selenium in Animal Feeds" has been issued by the Food and Drug Administration. Copies of the statement are available from the Office of the Assistant Commissioner for Public Affairs, Rm. 15B–42, or the Office of the Hearing Clerk, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

This notice is issued pursuant to provisions of the National Environmental Policy Act of 1969, Pub. L. 91–190 (sec. 102(2)(c), 83 Stat. 853; (42 U.S.C. 4332)) and the Council on Environmental Quality guidelines published in the FEDERAL REGISTER of April 23, 1971 (36 FR 7724), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: January 3, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–655 Filed 1–7–74;8:45 am]

National Institutes of Health

CANCER CONTROL

Establishment of Grant Program

In 37 FR 19663, September 21, 1972, the National Cancer Institute announced the establishment of a cancer control program to be supported by contracts. The program is directed toward a comprehensive approach to the control of cancer including (1) prevention, (2) screening and early detection, (3) diagnosis and treatment, (4) rehabilitation and continuing care, and (5) education of both professionals and the public. This program is intended to translate the output of cancer research and development into settings and situations which can be effectively employed in the general practice of medicine and public health by demonstrating the effectiveness of research findings and communicating this to physicians and the public. Contracts are currently being let by the Cancer Control Program in those areas determined to date by program staff to be specific enough in workscope to be described in an RFP, such as demonstration of newer treatment modalities, development of new educational material for professional and public groups, training of ancillary professional and para-professional personnel to participate in cancer control activities, and collection of information by surveys in special population groups, in evaluation of cancer control manpower and other resources, and in monitoring the impact of cancer control activities at the local and national levels.

In order to increase the opportunity of participating in the Cancer Control Program by a larger segment of the medical community, under authority of the National Cancer Act of 1971 (Sec. 3 Pub. L. 92–218, 85 Stat. 781 (42 U.S.C. 286 C)) the National Cancer Institute additionally is announcing the use of grants as a means of supporting community-initiated cancer control projects in those areas where it is desirable to take advantage of the broad resources and initiatives of the clinical community for the application of cancer control activities. Preference will be given to proposals emanating from cancer centers or cancer clinical (cooperative) investigations designed to involve community hospitals and other health care delivery organizations and requiring unique and individualistic approaches to the organization, implementation, and management of cancer control activities. Grant applications will be accepted for (1) developmental approaches to the organization and early implementation of community outreach programs, (2) planning activity for the establishment of community participation in a nation-wide effort in the control of childhood neoplasms through widespread application of the latest knowledge pertaining to the diagnosis, treatment, and rehabilitation of cancer in children, (3) projects for the education of professional assistants in cancer screening and detection techniques and

their utilization in clinical and community settings. In evaluating proposals for such control activities, emphasis will be placed on adequate demographic variables and preference will be given to projects emanating from established clinical cancer groups having strong associations with community physicians, hospitals, and other health care delivery organizations.

Grant applications should be submitted on PHS Form No. 398 to the Division of Research Grants, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20014. They should follow the same submission deadlines as those for all new National Institutes of Health grant requests. Grant awards will be made on a competitive basis.

Interested parties who desire further information on the total program should contact the Associate Director for Cancer Control, National Cancer Institute, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: January 2, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.74-544 Filed 1-7-74;8:45 am]

ISCHEMIC HEART DISEASE

Specialized Centers of Research

The National Heart and Lung Institute (NHLI) announces its intent to establish a limited number of Ischemic Heart Disease Specialized Centers of Research (SCORS) under authority of Part B of Title IV of the Public Health Service Act (42 U.S.C. 287 et seq.).

An Ischemic Heart Disease SCOR is defined as a unit encompassing multidisciplinary clinical and fundamental research directed at the reduction of death and disability from Ischemic heart disease. These SCORs represent a continuation of the Myocardial Infarction Research Unit Program now more broadly focused on the various manifestations of Ischemic heart disease. A SCOR could become a research component of an NHLI Research and Demonstration Center.

SCORs will be funded by the grant mechanism, but under conditions that will require close coordination with the National Heart and Lung Institute.

Proposals should be submitted on Form NIH-398, the application form for traditional research project grants. The format for presentation should be as outlined in the "Program Announcement and Guidelines: Ischemic Heart Disease Specialized Centers of Research" dated December 14, 1973. Awards will be based on national competition.

The Institute asks for letters of intent, which will not be binding, by February 1, 1974, in order to start planning for review of proposals. The deadline for receipt of formal applications is March 11, 1974.

Additional information may be obtained from:
Alan L. Pinkerson, M.D.
Chief, Clinical Cardiac Diseases Branch
Division of Heart and Vascular Diseases
National Heart and Lung Institute
Landow Building, Room A904
Bethesda, Maryland 20014

Dated: January 2, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.74-547 Filed 1-7-74;8:45 am]

TASK FORCE ON ASSESSMENT OF AUTOMATED BLOOD PRESSURE MEASURING DEVICES

Notice of Meeting

The National Heart and Lung Institute wishes to announce the second meeting of the Task Force on the Assessment of Automated Blood Pressure Measuring Devices, which will take place on January 21 and 22, 1974, from 9:00 a.m. to 5:00 p.m., in Conference Room 7, Building 31, National Institutes of Health, Bethesda, Maryland. The purpose of the meeting will be to continue discussion of automated blood pressure measuring devices as they relate to the needs of a mass screening program. Attendance by the public will be limited to space available.

For further information please contact Dr. Bernard H. Doft, NHLI, Landow Building, Room A-922, telephone 496-5421.

Dated: December 28, 1973.

ROBERT S. STONE,
Director, NIH.

[FR Doc.74-546 Filed 1-7-74;8:45 am]

TASK FORCE ON CARDIOVASCULAR REHABILITATION

Notice of Meeting

The National Heart and Lung Institute wishes to announce the third meeting of the Task Force on Cardiovascular Rehabilitation on February 21 and 22, 1974, from 9:00 a.m. to 5:00 p.m., in Building 31, C-Wing, Conference Room 9, at the National Institutes of Health, Bethesda, Maryland. The purpose of the meeting will be to continue discussions of the state of the art of cardiovascular rehabilitation. Attendance by the public will be limited to space available.

For further information you may contact Dr. Bernard H. Doft, NHLI, Landow Building, Room A-922, telephone 496-5421.

Dated: December 28, 1973.

ROBERT S. STONE,
Director, NIH.

[FR Doc.74-545 Filed 1-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

HIGH SPEED GROUND TRANSPORTATION ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, that the High Speed Ground Transportation Advisory Committee will conduct an open meeting on January 9, 1974, at the Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, Room 10200, beginning at 9:00 a.m.

The High Speed Ground Transportation Advisory Committee is a seven-member committee established by Pub. L. 89-220, and extended by Pub. L. 92-348. The Committee is to advise the Secretary of Transportation with respect to research, development and demonstrations under the High Speed Ground Transportation Act in order to determine the contribution which high-speed ground transportation could make to a more efficient and economical system of intercity transportation.

The agenda will consist of a discussion of the Committee's annual report to the Secretary of Transportation.

Any member of the public who wishes to do so may file a written statement with the Committee either before or after the meeting. To the extent that the time available for the meeting permits, members of the public may also be permitted by the Chairman to present oral statements at the meeting.

Interested persons may request information concerning the January 9, 1974, meeting by writing the Executive Secretary, High Speed Ground Transportation Advisory Committee, Federal Railroad Administration, Room 4214, 2100 Second Street SW., Washington, D.C. 20590, or by calling A/C 202 426-0850.

Dated: January 4, 1974.

JOHN W. INGRAM,
Federal Railroad Administrator.

[FR Doc.74-732 Filed 1-7-74;9:16 am]

National Highway Traffic Safety Administration

COMPLIANCE INVESTIGATIONS AND DEFECTS DETERMINATIONS

Policy Directive

On October 12, 1973, the National Highway Traffic Safety Administration (NHTSA) published in the FEDERAL REGISTER (38 FR 28316, amended November 14, 1973, 38 FR 31460) a statement of policy with respect to the implementation of defects investigations and determinations required by section 113 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq., 1402). The purpose of the present notice is to issue a similar policy statement with respect to the other principal area of NHTSA enforcement responsibility, namely, the enforcement of compliance with the Federal motor vehicle safety standards.

Section 112 and 113 of the Act authorize the NHTSA to conduct investigations and testing to determine whether motor vehicles or items of motor vehicle equipment comply with the Federal motor ve-

hicle safety standards. Section 114 requires that every motor vehicle or item of equipment be certified as conforming to all applicable Federal motor vehicle safety standards. Sections 109 and 110 of the Act authorize the use of civil penalties and injunctions to enforce compliance with the standards. Section 109 authorizes the imposition of civil penalties of up to $1,000 for each vehicle or item of equipment which fails to comply with the standards with the limitation that no more than $400,000 in civil penalties will be imposed for a related series of non-compliance violations. Section 110 authorizes the use of injunctions to restrain further violations of the standards or to restrain, among other things, the importation, sale or introduction into interstate commerce of noncomplying vehicles or items of equipment. The provisions of section 113 of the Act are applicable to non-complying manufacturers and require the issuance of a notification or warning to purchasers of the safety related defect emerging from the non-compliance.

This statutory enforcement scheme will be implemented through the following policy directives:

1. In order to carry out its enforcement responsibilities the Office of Standards Enforcement will (a) verify that manufacturers provide certification that their products meet all applicable Federal motor vehicle safety standards; (b) evaluate the certifications by investigation and by examining supporting information and data requested from the manufacturers and from other sources; and (c) examine actual performance of motor vehicles and equipment to ascertain compliance through actual physical testing on a sampling basis.

2. The Office of Standards Enforcement has established compliance test priorities which will be re-evaluated on an annual basis. The following factors will be considered in the testing re-evaluation: test data generated from prior compliance tests; engineering analysis of the similarity of vehicle systems and subsystems across model lines which recognizes prior test experience of performance of similar vehicles; accident data; consumer complaints; and share of the market.

3. When the Office of Standards Enforcement encounters a test failure, it will advise the manufacturer by telephone (usually within 24 hours) in order that the manufacturer can immediately initiate its own investigation into the problem. The Office of Standards Enforcement will initiate its investigation into the matter. Manufacturers will be advised during the course of investigation of Section 113 defect notifications responsibilities that might be present as the result of a non-compliance.

4. Monthly compliance reports will be issued by the NHTSA containing the following information: identification of the compliance test reports completed during the month with a brief summary of their contents and information as to how they may be obtained; a listing of investigations opened during the period, closed during the period, and pending as of the end of the period. Completed investigations are available for public viewing in the NHTSA's Technical Reference Library.

5. The Administrator or his delegate will make a preliminary determination of non-compliance based upon the investigative file compiled by the Office of Standards Enforcement. The Office of Chief Counsel will give the manufacturer notice of the determination. The notice letter will advise the manufacturer of the preliminary determination of non-compliance and, if appropriate, apprise him of the defect notification provisions of section 113 of the Act, together with the implementing regulations, 49 CFR Parts 573 and 577. (The latter are immediately applicable if the manufacturer determines that a safety-related defect exists with respect to the noticed non-compliance.) The notice letter will invite the manufacturer to submit its views and supporting evidence on the issue of why civil penalties should not be imposed for the non-compliance. The notice letter will also request the manufacturer, where appropriate, to determine whether or not a safety related defect exists with respect to the non-compliance, and if he makes a negative determination to state his reasons for it. The manufacturer will be advised that the agency may make its own determination of the existence or non-existence of a safety related defect if the manufacturer makes a negative determination. In such a case, the section 113 defect notification procedures would be followed as detailed in the NHTSA policy statement of October 12, 1973 (38 FR 28316, amended November 14, 1973, 38 FR 31460).

6. The views and evidence submitted by the manufacturer in response to the notice letter will be reviewed and a final determination as to the existence or non-existence of the non-compliance will be made by the Administrator or his delegate. The manufacturer will be advised of the determination. The Administrator or his delegate may accept an offer in compromise on the question of the amount of civil penalties to be imposed for the noncompliance based upon the size of the business involved and the gravity of the violation.

7. If the Administrator or his delegate have determined that a noncompliance does exist and the manufacturer has not issued defect notifications under section 113 of the Act, the matter will be referred to the appropriate Associate Administrator for consideration. If the Associate Administrator determines that a safety related defect exists in connection with the noncompliance, he will issue the initial defect determination to the manufacturer and the section 113 defect determination provisions will be implemented in accordance with the policy directives for defect determinations published in the FEDERAL REGISTER on October 12, 1973 (38 FR 28316) and amended on November 14, 1973 (38 FR 31460).

8. The above directives may be modified by the Administrator or his delegate, in the exercise of his sound discretion, to meet the needs of safety. For example, if it is discovered that non-complying vehicles or items of equipment are being imported and sold, it may be necessary for the Administrator to seek immediate injunctive relief before completing all of the administrative procedures outlined above.

(Secs. 103, 108, 109, 110, 112, 113, 114, and 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1397, 1398, 1399, 1401, 1402, 1403, 1407; delegation of authority at 49 CFR 1.51.)

Issued on January 2, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-590 Filed 1-7-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Supplement to Notice of Meeting

JANUARY 2, 1974.

The notice published at 38 FR 35358, December 27, 1973, is hereby revised to add the following to the agenda for the meeting:

(1) Thursday, January 10, 1974: 5:00 p.m.-6:00 p.m. Meeting to discuss modified fuel (8 x 8 array) for boiling water reactors—The Committee will hear presentations by and hold discussions with representatives of the AEC Regulatory Staff and the General Electric Company regarding use of the 8 x 8 array as a reload fuel for GE boiling water reactors.

The Committee will hold closed sessions during this period, if required, to discuss privileged information related to fuel element design, fabrication and performance, and loss of coolant accident analysis. I have determined that it is necessary to close such portions of the meeting to protect such privileged information.

This meeting will be a preliminary briefing regarding use of this modified fuel. Committee review of this matter is scheduled for the 166th ACRS meeting, February 7-9, 1974. Public comments regarding this matter will be considered during the 166th meeting and should be postmarked no later than January 30, 1974. Twenty-five copies of such comments should be mailed to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Other procedures for conduct of this portion of the meeting will be the same as those previously announced for this meeting.

JOHN C. RYAN,
Advisory Committee,
Management Officer.

[FR Doc.74-533 Filed 1-7-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GAS COOLED FAST BREEDER REACTOR

Notice of Meeting

JANUARY 2, 1974.

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Gas Cooled Fast Breeder Reactor will hold a meeting on January 9, 1974, in Room 1034 at 1717 H Street, NW, Washington, D.C. The Subcommittee will meet in Executive Session to discuss internal details of its continuing review of this project.

I have determined, in accordance with section 10(d) of Pub. L. 92–463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–532 Filed 1–7–74;8:45 am]

[Docket Nos. 50–324 & 50–325]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D 10 CFR Part 50, notice is hereby given that the Final Environmental Statement, prepared by the Commission's Directorate of Licensing, for the Carolina Power and Light Company's Brunswick Steam Electric Plant Units 1 and 2 is available for public inspection. The Brunswick Plant is currently under construction near the town of Southport, North Carolina, and issuance of an operating license by the Commission to the Carolina Power and Light Company has been proposed. The Final Environmental Statement is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Southport, Brunswick County Library, 109 W. Moore Street, Southport, North Carolina 28461. The Final Environmental Statement is also being made available at the Office of Planning Coordinator, Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603 and Cape Fear Council of Governments, One North Third, Suite 206, Wilmington, North Carolina 23401.

The notice of availability of the Draft Environmental Statement for the Brunswick Steam Electric Plant Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on June 13, 1973 (38 FR 15543). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 2nd day of January 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.74–444 Filed 1–7–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 24869]

BAGGAGE ALLOWANCE TARIFF RULES IN OVERSEAS AND FOREIGN AIR TRANSPORTATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 2, 1974, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before February 26, 1974, and the other parties on or before March 19, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., January 2, 1974.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.74–593 Filed 1–7–74;8:45 am]

[Doc. Nos. 24875, 24659, 24991]

FRONTIER AIRLINES, INC., ET AL.

Notice of Hearing

Frontier Airlines, Inc., Suspension or Deletion of Paris, Tex., Docket 24875; Suspension, Deletion, or Redesignation of Muskogee, Okla., Docket 24659; Suspension or Deletion of McAlester, Okla., Docket 24991.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in these proceedings is assigned to be held before the undersigned on January 22, 1974, at 10:00 a.m. (local time) in the South Court Room, U.S. District Court, Federal Building (2nd floor), 5th and Okmulgee Streets, Muskogee, Okla. 74401.

For information concerning the issues involved and other details, interested persons are referred to the documents on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., December 28, 1973.

[SEAL] HENRY WHITEHOUSE,
Administrative Law Judge.

[FR Doc.74–592 Filed 1–7–74;8:45 am]

[Docket 25990; Order 73–12–88]

FRONTIER AIRLINES, INC. AND TRANS WORLD AIRLINES, INC.

Order Provisionally Approving Agreement

Issued under delegated authority, December 20, 1973.

Joint application of Frontier Airlines, Inc. and Trans World Airlines, Inc. for approval of a capacity agreement to implement the fuel allocation program; Agreement CAB 24115.

On October 12, 1973, the Energy Policy Office adopted regulations, pursuant to the Economic Stabilization Act of 1970, as amended by Pub. L. 93–28, April 30, 1973, establishing a mandatory fuel allocation program that imposes controls on "middle distillate fuels," including airline turbine fuel.[1] On the same day, the Board issued Order 73–10–50, which authorized discussions to consider adjustment of schedules to the extent necessary to deal with the developing fuel emergency. Subsequently, in response to the critical nature of the fuel shortage, the President, in his Energy Statement of November 25, 1973, called for an additional 5 percent reduction in jet fuel allocations as of December 1, 1973 and a further reduction of 10 percent beginning January 7, 1974.

Pursuant to Order 73–10–50, discussions were held in Washington, D.C. on November 13, 1973 and an agreement was reached between Frontier Airlines, Inc. (Frontier) and Trans World Airlines, Inc. (TWA) to limit frequency in the Denver-St. Louis and Albuquerque-Las Vegas markets.

By its terms, the agreement will be implemented, subject to prior Board approval, either on December 1, 1973 or upon the resumption of service by TWA[2] and will terminate on May 31, 1974. In the event of a further cessation or curtailment of service by any of the parties resulting from a labor dispute or other cause beyond the control of that party, the limitations of the agreement will be suspended during the period of such cessation or curtailment.

In the Denver-St. Louis market, the agreement provides that Frontier will re-

[1] EPO Reg. 1, 38 FR 28660.

[2] TWA temporarily discontinued operations on November 5, 1973 due to a strike by ALSSA. An agreement has been reached and, pending ratification by the union members, service should be reinstated on December 19, 1973.

duce capacity by eliminating two round trips per week and TWA will eliminate (a) three round trips per week during the December 1973 through February 1974 period and (b) two round trips per week during the March through May 1974 period.[3] The provisions of the agreement affecting the Albuquerque-Las Vegas market provide for the deletion by TWA of two round trips per week and the deletion by Frontier of one round trip per week.[4] Furthermore, in the Denver-St. Louis market, the agreement provides that for each two-week period during the December 1973 through February 1974 period in which the agreement is not implemented due to the continuation of the current TWA strike, TWA shall eliminate an additional round trip for one week during the period March through May 1974.

In accordance with similar agreements of this nature, the carriers have agreed that each may operate extra sections for operational reasons or unusual demand,[5] and larger aircraft may be substituted for smaller aircraft on an irregular and infrequent basis in order to meet unusual operational requirements.

Comments in response to the application have been filed by the Las Vegas Parties and the City of St. Louis. Both parties recognize that the present fuel crisis necessitates a reduction in air carrier frequencies and, accordingly, do not object to the agreement filed by TWA and Frontier. The Las Vegas Parties do, however, urge that if the Board should approve the agreement in the Las Vegas-Albuquerque market that it be made clear that its approval should not have any bearing on the pending American-Frontier route exchange agreement affecting this market.[6] In addition, the City of St. Louis contends that approval of the agreement in the Denver-St. Louis market should be conditioned on the deletion of the agreement provision which reads, "* * * for each two week period during December 1973 through February 1974 on which the Agreement is not implemented due to the continuation of the current TWA strike, TWA shall eliminate an additional round trip for one week during the period March through May, 1974." The City of St. Louis contends that this provision is adverse to the public interest because the public will be deprived of service during the first phase of the agreement as a result of the TWA strike and will be further deprived if additional flights are deleted during the second phase under this provision.

The air transportation industry is being faced with a critical shortage of fuel. As a result of the fuel shortage, TWA and Frontier must cut back on domestic fuel consumtpion by approximately 66,061,000 gallons during the six-month period starting December 1, 1973 as follows: TWA, 59,011,000 gallons and Frontier 7,050,000 gallons. Furthermore, by January 7, 1974 the carriers will be subject to an additional 15 percent reduction in fuel supplies. In order to meet these cutback levels, the carriers must make fuel-saving adjustments to their schedules. It is the concern of the Board that those cutbacks necessitated by the fuel shortage be made in a manner that provides the best service possible under these critical circumstances. It is the Board's belief that the best means of protecting the public interest is for the carriers to negotiate mutual reductions in capacity which can be properly analyzed and monitored by the Board. As the Board stated in Order 73–10–110, mutual capacity reduction agreements provide a vehicle that will help the Board to insure that those cutbacks stemming from the fuel shortage are made in a rational manner and that available capacity is operated under schedules that provide the public with the most convenient service practicable under the circumstances.

Based on the foregoing considerations, it is concluded that the agreement should be approved subject to certain conditions. The service proposed in the agreement reasonably satisfies the needs of the traveling public as well as saving substantial amounts of fuel.[7] This conclusion is predicated on the information received by the applicants concerning which flights will be eliminated upon the initial implementation of the agreement. Under the proposed schedule deletions, the Denver-St. Louis market will continue to receive adequate service throughout the day.[8] In the Albuquerque-Las Vegas market both carriers operate a non-stop frequency at approximately the same time and, under the agreement, one of these flights will be deleted on Tuesday, Wednesday, and Saturday. There will, therefore, be at least one of the carriers operating each day at this time and both carriers will continue to maintain other daily services. Additionally, it is noted with approval that this agreement satisfies the minimum guidelines established by the Board in Order 73–11–50. The average load factors for the corresponding December 1972–May 1973 period are substantially below the 72 percent figure and, as noted previously, the carriers will continue to operate at least one daily non-stop round trip frequency. Under these circumstances, the traveling public will continue to receive a reasonable frequency of service and the carriers will be a step closer toward reaching their allocated fuel levels.[9]

In response to the comments filed by the Las Vegas Parties, it is pointed out that the approval herein is based on the extraordinary situation presented by the current fuel situation and the necessity of adjusting schedules in order to satisfy the allocated fuel levels. The approval only extends for the length of the agreement (until May 31, 1974) and does not constitute a determination of any of the issues in the American-Frontier Route Exchange Case, Docket 25397.

Note is also taken of the comments filed by the City of St. Louis and its request that the provision, previously quoted, be deleted from the agreement. Consideration has been given to this provision and it is concluded that its inclusion in the agreement is not related to the passenger needs of this market and is not in the public interest. Accordingly, approval of the agreement affecting service in the Denver-St. Louis market will be conditioned on the deletion of this provision.

We have also considered the implications of the proposed agreement on the airlines' employees. For those reasons detailed at length in Order 73–12–32, which are equally applicable here, we are unable to conclude that the public interest requires the imposition of any labor protective conditions.[10]

In view of the imminence of the implementation date, and the short period within which the carriers were compelled to adjust schedules, the applicants' request for waiver of the recent amendment to the Board's Procedural Regulations, PR–138, which would otherwise require 21 days for answers to the application, will be granted. However, the Board will receive any comments hereafter filed in this docket as part of its ongoing evaluation of the impact of the agreement. It is also found that enforcement of section 405(b) of the Act, requiring 10 days' notice of schedule changes to the Postmaster General, would be an undue burden upon the carrier applicants by reason of the limited extent of, and unusual circumstances affecting, their operations and is not in the public interest, particularly in light of the reduced fuel supplies and the further reductions that are forthcoming. Pursuant to section 416 of the Act, TWA and Frontier will be granted an exemption from section 405(b), and from any regulations made pursuant thereto, to permit implementation of the subject schedule changes without 10 days' prior notice to the Postmaster General.[11] (See OR–81, effective November 30, 1973)

[3] According to the November 1, 1973 Official Airline Guide, TWA operates 28 weekly, round-trip frequencies and Frontier operates 21 weekly, round-trip frequencies in the Denver-St. Louis market.

[4] In the Albuquerque-Las Vegas market, the weekly, round-trip frequencies for TWA and Frontier are 14 and 6½, respectively.

[5] Such extra sections cannot be published, advertised or otherwise held out to the public.

[6] American-Frontier Route Exchange Case, Docket 25397.

[7] The carriers estimate fuel savings of approximately 875,000 gallons during the term of the agreement (December 1, 1973 to May 31, 1974).

[8] Only on Tuesdays will both carriers delete frequencies in the St. Louis to Denver segment of the market. However, there will still be seven other available flights on that day (5 non-stops), OAG, November 1, 1973.

[9] As we have noted previously, the Board will not tolerate the transfer of freed capacity to non-capacity markets. See Order 73–10–110.

[10] In addition, see Order 73–7–147 at 14, cited in Order 73–10–110 at 7, footnote 10.

[11] Likewise, it does not appear that our action here will significantly affect the quality of the human environment within the meaning of the National Environmental Policy Act since the carriers will have to reduce their schedules in any event because of the fuel shortage. Our action herein merely helps to ensure that such reductions will be accomplished in a rational manner.

In order to effectively monitor the implementation of this agreement, jurisdiction will be retained, pursuant to section 412 of the Act, for the purpose of modifying, amending or revoking the approval of the agreement at any future date. Furthermore, each carrier will be required to report within 15 days after the end of each month any schedule changes in the Denver-St. Louis and Albuquerque-Las Vegas markets during the term of the agreement. (See Appendix A).[12]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the capacity reduction agreement entered into between Frontier and TWA is not adverse to the public interest nor in violation of the Act and should be approved subject to the conditions stated herein.[13]

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24115 be and it hereby is approved pursuant to section 412 of the Act, subject to the following conditions:

(a) Jurisdiction shall be retained in order to modify, amend or revoke the approval at any time, or take whatever other action may be deemed appropriate;

(b) Any schedule changes resulting pursuant to the agreement herein approved shall be reported to the Board within 15 days after the end of each month in accordance with the format of Appendix A; [14]

(c) The provision in the agreement affecting service in the Denver-St. Louis market which reads as follows: "for each two week period during December, 1973 through February, 1974 in which the Agreement is not implemented due to the continuation of the current TWA strike, TWA shall eliminate an additional round trip during one week of the period March through May 1974;" shall be deleted;

2. Within 28 days after service of this order, each carrier shall file with the Board's Docket Section, and shall provide to each carrier requesting one, a report containing the following additional data for the Denver-St. Louis and Albuquerque-Las Vegas markets:

a. Seats operated in 1972–1973 (December through May).

b. Passengers carried in 1972–1973.

c. Forecast passengers in 1973–1974.

d. Projected seats in 1973–1974.

e. Equipment type to be operated in each market.

f. Calculations in developing fuel savings in these markets.

g. 1972 fuel use by month for the system of each carrier.

h. 1972 fuel use by month in the agreement markets.

3. Pursuant to section 416 of the Act, TWA and Frontier be and they hereby are relieved from the provisions of section 405(b) of the Act, and from all regulations enacted in pursuance thereof, to the extent necessary to permit the implementation of the subject modifications without 10 days' prior notice to the Postmaster General;

4. The request of the applicants that the Board waive the recent amendment to the Board's Procedural Regulations, PR–138, which would otherwise permit 21 days for answers to this application, be and it hereby is granted; and

5. Copies of this order shall be served on the Departments of Defense, Justice and Transportation; the U.S. Postal Service; the Cities of St. Louis, Denver, Albuquerque, and Las Vegas; ALPA; and all certificated route and supplemental air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective immediately and the filing of a petition for review shall not preclude such effectiveness.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

	Type of equipment				
	2-Engine	3-Engine narrow body	4-Engine narrow body	3-Engine wide body	4-Engine wide body
	CAPACITY MARKET(S) *				
Miles scheduled weekly in preceding general schedule filed with C.A.B.					
Changes contained in this general schedule					
Miles scheduled weekly in this general schedule					
	NONCAPACITY MARKET(S)				
Miles scheduled weekly in preceding general schedule filed with C.A.B.					
Changes contained in this general schedule					
Miles scheduled weekly in this general schedule					

[FR Doc.74–594 Filed 1–7–74;8:45 am]

[Docket 25280; Order 73–12–103]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Cargo Rate Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of December, 1973.

Agreement adopted by the Traffic Conference of the International Air Transport Association relating to cargo rate matters; Agreement C.A.B. 23773, R–3, R–9 and R–11 through R–14.

By Order 73–11–48 dated November 12, 1973, the Board disapproved various IATA cargo resolutions which would establish worldwide rates for the carriage of live animals, and charges for stalls, COD procedures, disbursements and for declared value. The Board's disapproval was predicated upon the absence of or the inadequacy of carrier justification despite the Board's specific request for such information called for in Order 73–9–30.

Pan American World Airways, Inc., in a petition filed on December 3, 1973, requests that the Board reconsider its decision in Order 73–11–48 and suggests rather than disapprove the various resolutions which would bring about unilateral carrier filings, the Board defer disapproval in excess of four months in order to afford the carriers the opportunity to formulate new rates, charges and procedures, to secure IATA approval thereof, and to permit the Board to act affirmatively and the carriers to file new tariffs.[1]

Pan American, in support of its petition, asserts that the carriers were unaware of the Board's dissatisfaction with rates for live animals and charges for stalls which were revalidated in essentially their present form; that the issue of live animal rates was first brought up in Order 73–9–30 establishing procedures for carrier justification and public comments; that it is inappropriate to apply domestic standards for the carriage of live animals to the international area; and finally, although the Board encouraged the carriers to return to the conference table, the timing of the disapproval (less than three weeks before the expiration of many of the agreements) creates unnecessary pressures on the U.S. carriers to act unilaterally.

We have concluded to deny Pan American's request and to let our out-

[12] Such reports will enable the Board to analyze such schedule change(s) to insure that freed capacity is not being unnecessarily shifted to nonagreement markets.

[13] It is further found, pursuant to 14 CFR 385.6, that the action taken herein is governed by prior Board precedent and policy, and that immediate action is required in light of the fuel shortages. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

[14] In addition, Frontier shall file with the Board's Docket Section a monthly report within 15 days after the end of the month stating, on a system-wide basis, average seat miles operated per gallon of fuel used, by type of equipment; and shall maintain records, subject to inspection by the Board, or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations). These requirements previously were imposed upon TWA in Order 73–10–110. Copies of this report and any schedule changes (pursuant to ordering paragraph 1(b)) shall be provided to all carriers requesting them.

[1] On December 13, 1973, Trans World Airlines, Inc. filed an answer in support of Pan American's petition for reconsideration.

standing disapproval of the various resolutions stand. Although it is true that while the Board's policy statement did not specifically express dissatisfaction with rates for live animals and charges for stalls, the issue of rates for live animals is not new. In fact, by Order 72–3–104 dated March 30, 1972, the Board conditioned its approval of the subject resolution to require quantity discounts in rates applicable to baby poultry, monkeys, and primates. Despite this condition, as Order 73–11–48 points out, the majority of the carriers did not alter their tariffs to comport with the Board's condition. Further, the instant resolution does not take into consideration the Board's earlier action but continues to establish rates for live animals at the under-45-kilo rate. Charges for stalls although not specifically spoken to previously are ancillary to charges for live animals and we discern no reason, nor could the carriers justify why the charges are reasonable. The shipper is required to pay a rental fee for the stall and in addition would be required to pay on the basis of the applicable rate for 250 kilos for the animal being transported.

Although Pan American is silent on the other three resolutions which the Board has disapproved, one of the resolutions relates to excess valuation charges[1] which has been a particular source of concern to the Board for a number of years. This issue has in the past been specifically noted in Board policy statements and in various Board orders. Despite these many statements, the carriers apparently are unable to adequately justify the proposed charges in relation to value which they themselves have agreed to at the IATA conferences.

Pan American cites the Board's decision in the domestic live animals and birds case (Investigation of Premium Rates for Live Animals and Birds, Docket 21474, Order 73–6–103), and indicates that the Board is attempting to establish that decision as the standard for structuring international rates for these commodities. This is not the case. The Board recognizes that in some areas international transportation experiences significant cost differences compared with domestic transportation. Various data on international shipments, however, were presented in the investigation by the very same carriers who are party to the IATA agreement which would establish rates at levels significantly higher than appear justified by any data before the Board. Yet in view of the submission of international shipment data in the domestic investigation and the awareness of the existence of this investigation by all of the U.S. IATA members, no showing has been made nor any significant justification submitted which would warrant approval of the IATA resolution and the subsequent conferring of anti-trust immunity.[2]

The other two IATA resolutions which were disapproved by the Board relate to COD charges and charges for disbursements. Despite our specific request for justification on both these items which were proposed to be substantially increased, no economic justification was submitted and, in fact, these charges have been increased to discourage the use of such services.

The Board has long been interested in the establishment of cargo rates and charges which bear a reasonable relationship to the costs of providing the service. The carriers, likewise, contend that this is their basic aim as well. Yet the subject agreement reached within IATA, and concurred in by the U.S. member carriers, does not support this concept. The U.S. carrier members should be aware that prior to voting affirmatively for any rate or charge, it is incumbent upon them to be able to adequately justify that rate or charge to the Board for it to be approved.

For the above reasons we are not prepared to alter our prior action of disapproval of the subject resolutions and in its stead defer disapproval.

We recognize that by our action IATA would be forced back to the conference table in an attempt to secure agreement on new rates and charges. In the interim, the Board will accept unilateral tariff submissions which are required to be justified in the hopes that such filings would assist the IATA member carriers in successfully negotiating a new agreement at reasonable levels. To permit the present rates and charges to stand for an additional minimum period of four months would be inconsistent with the public interest.

The Board finds that the petition for reconsideration does not establish any error which would warrant a reversal or alteration of the Board's action in Order 73–11–48, and the petition for reconsideration will be denied. We would expect the IATA member carriers to take prompt steps to reach an agreement which reflects the views stated herein.

Accordingly, it is ordered, That:

The petition for reconsideration of Order 73–11–48 filed by Pan American World Airways Inc., is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–596 Filed 1–7–74;8:45 am]

[1] Charges associated with value of goods which exceeds the normal liability coverage.

[2] We point out that still another investigation is awaiting Board disposition which should have a bearing on carrier deliberations in IATA-Liability and Claims Rules and Practices Investigation, Docket 19923.

[Docket 26039; Order 73–12–117]

LOCAL SERVICE CARRIERS

Order Amending Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of December, 1973.

On October 25, 1973, the Board, in response to the national fuel allocation program, issued Order 73–10–94 and Notice of Proposed Rule Making, EDR–256. The proposed rule would amend the provisions of 14 CFR 202.4 to enable the local service carriers to apply for reductions in flight frequency in order to conserve fuel. The order, on the other hand, granted interim exemption authority to the local service carriers to reduce frequencies immediately pending the outcome of the rule making proceeding. The net effect of the exemption was the relaxation of the standard "skip-stop" condition which generally requires that intermediate stations on local service routes receive two daily round trips before overflight. Order 73–10–94 was subsequently clarified by Order 73–11–20, November 6, 1973, but no alterations of substance were made.

On November 25, 1973, further substantial reductions in the then-current allocation of jet fuel to be fully effective on January 7, 1974, were announced. In response, the Board, on December 6, issued Order 73–12–28 which amended Orders 73–10–94 and 73–11–20 by liberalizing even further the skip-stop condition to permit the local service carriers to overfly intermediate points after they provide one round trip five days per week at such points regardless of segmentation. Concurrently, Supplemental Notice of Proposed Rule Making EDR–256A was issued to reflect the action taken by Order 73–12–28.

The circumstances in which the foregoing orders were issued have now changed. On December 27 it was announced by the Federal Energy Administration that the allocation to local service carriers will be increased to the level supplied in 1972. Since it is desirable that the service provided by local service carriers continue to be responsive to the needs of the communities served in a manner commensurate with the availability of fuel, we have determined that the public interest requires a modification of the outstanding exemption authority corresponding to the changed fuel situation. Consequently, we shall amend Order 73–10–94, as amended by Orders 73–11–20 and 73–12–28, to permit the local service carriers to overfly intermediate points only after they have scheduled the minimum number of round trips required by their certificates at least six days per week.[1] The practical and public interest considerations sup-

[1] Unlike Order 73–12–28, the instant order requires that regard be given to segmentation.

portive of this decision are set forth fully in Order 73–10–94.[2]

Accordingly, it is ordered, That:

1. Ordering paragraph 1 of Order 73–10–94, October 25, 1973, be and it hereby is amended to read as follows:

1. Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Airwest, North Central Airlines, Inc., Ozark Air Lines, Inc., Piedmont Aviation, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., be and they hereby are exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, the terms, conditions and limitations of their respective certificates of public convenience and necessity and Part 202 of the Board's Economic Regulations, insofar as those provisions would otherwise prevent the carriers from omitting service to each intermediate point named in their respective certificates after the holder has scheduled (a) at least two round trips six days per week where two round trips seven days per week are otherwise required, or (b) at least one round trip six days per week where one round trip seven days per week is otherwise required, over each segment on which the intermediate point is named;

2. Copies of this order shall be served upon all scheduled certificated air carriers and upon the Department of Transportation, the Department of the Interior, the Federal Energy Administration and the U.S. Postal Service.

3. The exemption authority granted herein shall be effective on February 1, 1974, and shall expire 60 days after final Board decision with regard to Notice and Supplemental Notice of Proposed Rule Making, EDR–256 and EDR–256A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–595 Filed 1–7–74;8:45 am]

[2] This exemption, like its predecessors, is an interim measure. Longer term possibilities are being explored in the rule making proceeding instituted by EDR–256 and EDR–256A and this order should not affect that proceeding in any substantive manner. The language of the proposed rule is broad enough to encompass the authority contemplated herein as well as that granted by Order 73–10–94.

CIVIL SERVICE COMMISSION

MEDICAL TECHNOLOGIST, DETROIT, MICHIGAN, SMSA

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of (5 U.S.C. 5303) Executive Order 11721, the Civil Service Commission has increased special minimum salary rates and rate ranges as follows:

GS–644 Medical Technologist Series

Geographic Coverage: Detroit, Michigan, SMSA
Effective Date: First day of the first pay period beginning on or after December 9, 1973

GS–644 MEDICAL TECHNOLOGIST SERIES

Geographic Coverage: Detroit, Mich., SMSA.
Effective Date: First day of the first pay period beginning on or after December 9, 1973.

(PER ANNUM RATES)

Grade	1	2	3	4	5	6	7	8	9	10
GS–5	$9,931	$10,199	$10,467	$10,735	$11,003	$11,271	$11,539	$11,807	$12,075	$12,343
GS–7	10,633	10,965	11,297	11,629	11,961	12,293	12,625	12,957	13,289	13,621

All new employees in the specified occupational level will be hired at the minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational level. An employee who immediately prior to the effective date was receiving basic compensation at one of the prior special rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of (5 U.S.C. 5335).

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under (5 U.S.C. 5723), of new appointees to positions cited.

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

[FR Doc.74–636 Filed 1–7–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MACAU

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 20, 1973.

On December 22, 1972, the United States Government, in furtherance of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products from Macau to the United States over a five-year period beginning January 1, 1973 and extending through December 31, 1977. On May 30, 1973, notes were exchanged amending the agreement. Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 49, 50/51 and 62 for the agreement year beginning on January 1, 1974.

There is published below a letter of December 20, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 49, 50/51, and 62 produced or manufactured in Macau which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DECEMBER 20, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of December 22, 1972, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning January 1, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 49, 50/51 and 62 produced or manufactured in Macau, in excess of the following twelve-month levels of restraint:

Category	*Twelve-month levels of restraint*
49	29,077 dozens.
50/51	56,049 dozens.
62	159,783 pounds.

In carrying out this directive, entries of cotton textile products in the above cate-

gories, produced or manufactured in Macau, which have been exported to the United States from Macau prior to January 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1973 through December 31, 1973. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of December 22, 1972 between the Governments of the United States and Portugal which provide, in part, that within the aggregate limit, the limitations on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of (5 U.S.C. 553). This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-602 Filed 1-7-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF THE PHILIPPINES

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 20, 1973.

On September 21, 1967, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Republic of the Philippines concerning exports of cotton textiles and cotton textile products from the Philippines to the United States. On December 26, 1967, the two Governments exchanged notes amending the bilateral agreement. On November 17, 1970, the two Governments exchanged notes further amending and extending the bilateral agreement. By exchange of notes dated September 27 and October 9, 1973, the two Governments again extended the bilateral agreement, as previously amended. Among the provisions of the agreement, as amended and extended, are those establishing specific limits on Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 for the agreement year beginning January 1, 1974.

Accordingly, there is published below a letter of December 20, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which may be entered or withdrawn from warehouse for consumption in the United States for the period beginning January 1, 1974 and extending through December 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended and extended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1974 and for the twelve-month period extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9, 22, 26, 32, 39, 42, 43, 45, 46, 50, 51, 60, 61, and part of 63 produced or manufactured in the Philippines in excess of the following levels of restraint:

Category	*Twelve-month level of restraint*
9	1,675,120 square yards
22	2,010,144 square yards
26	1,675,120 square yards (of which not more than 402,029 square yards may be in duck fabric [1])
32	4,020,287 dozens
39	368,526 dozen pairs
42	40,202 dozens
43	80,407 dozens
45	40,202 dozens
46	13,401 dozens
50	13,401 dozens
51	13,401 dozens
60	11,391 dozens
61	2,077,149 dozens
Part of 63 (T.S.U.S.A. Nos. 380.3980 and 382.3380 only).	159,868 pounds

[1] Only T.S.U.S.A. Nos.:
321...01 through 04, 06, 08
320...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in the Philippines, which have been exported to the United States from the Philippines prior to January 1, 1974, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods for the twelve-month period beginning January 1, 1973 and extending through December 31, 1973. In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of September 21, 1967, as amended and extended, between the Governments of the United States and the Republic of the Philippines which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Republic of the Philippines and with respect to the imports of cotton textiles and cotton textile products from the Philippines have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the

directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-604 Filed 1-7-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PORTUGAL

Entry or Withdrawal From Warehouse for Consumption

DECEMBER 20, 1973.

On November 17, 1970, the United States Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Portugal concerning exports of cotton textiles and cotton textile products from Portugal to the United States over a four-year period beginning on January 1, 1971 and extending through December 31, 1974. On May 22, 1972, notes were exchanged amending that agreement. Among the provisions of the agreement, as amended, are those establishing specific limits on Categories 1/2/3/4, 5/6, 9, 22, 24/25, 26, 41/42/43, 46, 50, 51, 52, 53 and part of 62, 55, 60, and part of 62 for the fourth agreement year beginning January 1, 1974.

Accordingly, there is published below a letter of December 20, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories produced or manufactured in Portugal which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning January 1, 1974, and extending through December 31, 1974, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the Bilateral Cotton Textile Agreement of November 17, 1970, as amended, between the Governments of the United States and Portugal, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective January 1, 1974 and for the twelve-month period extending through December 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 5/6, 9, 22, 24/25, 26, 41/42/43, 46, 50, 51, 52, 53 and part of 62, 55, 60, and part of 62, produced or manufactured in Portugal, in excess of the following levels of restraint:

Category	*Twelve-month levels of restraint*
1/2/3/4/	18,610,434 pounds
5/6	12,554,955 square yards (of which not more than 7,031,481 square yards may be in Category 6)
9	13,638,552 square yards
22	2,211,158 square yards
24/25	8,107,580 syds (of which not more than 2,948,211 square yards be in Category 25)
26	3,537,853 square yards
41/42/43	132,670 dozens
46	58,965 dozens
50	33,906 dozens
51	33,906 dozens
52	50,120 dozens
53 and parts of 62 (T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, and 382.0640).	50,120 dozens
55	40,517 dozens
60	28,941 dozens
Parts of 62 (all of the category except T.S.U.S.A. Nos. 382.0012, 382.0014, 382.0635, and 382.0640).	189,021 pounds (of which not more than 81,960 pounds may be in T.S.U.S.A. Nos. 380.0024, 380.0645, 382.0024, and 383.-0665)

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Portugal, which have been exported to the United States from Portugal prior to January 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period January 1, 1973 through December 31, 1973. In the event that the levels of restraint for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

In carrying out this directive, entries of two- or three-piece ladies suits produced or manufactured in Portugal from woven or knit cotton fabrics should not be charged against any of the levels of restraint designated herein, including the level of restraint for blouses in Category 52.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of November 17, 1970, as amended, between the Governments of the United States and Portugal which provide, in part, that within the aggregate limit and group limits, the limitations on specific categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended in February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Portugal and with respect to imports of cotton textiles and cotton textile products from Portugal have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-603 Filed 1-7-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Invitation for Membership Applications

The purpose of this notice is to invite applications for membership on the National Advisory Committee for the Flammable Fabrics Act. There are currently vacancies for members representing distributors, manufacturers, and the consuming public.

The National Advisory Committee for the Flammable Fabrics Act was first established in 1968 by the Department of Commerce under section 17 of the Flammable Fabrics Act, as amended (Pub. L. 83-88 (15 U.S.C. 1204)). Functions under the Act, including administration of the National Advisory Committee, were transferred, effective May 14, 1973, to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573 (15 U.S.C. 2079(b))).

The Commission shall consult with the National Advisory Committee for opinions, advice, and recommendations be-

fore prescribing flammability standards or other regulations under the Act.

By this notice, the Commission is inviting applications for vacancies for members representing manufacturers, distributors, and the consuming public. Interested persons may submit applications for membership on the Committee, using the application format set out below. Persons or organizations wishing to nominate an individual for membership should also use this format and should include a statement that the nominee has agreed to serve on the Committee if invited by the Commission.

APPLICATION FORMAT

1. Name.
2. Address.
3. Birthdate.
4. Description of present employment, including consulting work.
5. Description of extracurricular activities relating to flammable fabrics, including organizational affiliations.
6. Will you represent the views and interests of an organization, association, or group? Specify. If a distributor, what type of distributors do you represent (wholesale, retail, single product, multi-products, imported products, etc.)? If a manufacturer, what type industry do you represent and what product do you manufacture?
7. Interest questions:
a. Why are you interested in serving on the Committee?
b. What contribution can you make to the Committee?
c. Would you be available to attend approximately four one-day meetings annually?
d. How frequently would you be available to comment in writing on material provided by the Consumer Product Safety Commission?

Applications should be submitted not later than March 11, 1974, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: January 3, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-588 Filed 1-7-74;8:45 am]

REPRESENTATIONS ON TWO ADVISORY COMMITTEES

Notice of Proposed Change in Membership

The purpose of this notice is to invite comment on proposed changes in the membership representation on two advistory committees of the Consumer Product Safety Commission. The Commission is proposing changes in the numerical composition of the National Advisory Committee for the Flammable Fabrics Act and the Technical Advisory Committee on Poison Prevention Packaging. The Commission believes the proposed changes described below will provide more balanced representation between consumers and the business community in providing advice and recommendations to the Commission.

Section 17 of the Flammable Fabrics Act (15 USC 1191, 1204) provides for a National Advisory Committee which is to be composed of at least nine members fairly representative of manufacturers, distributors, and the consuming public. The National Advisory Committee is currently constituted to have twenty-one members, seven from each of the three categories of representation.

The Commission proposes that this National Advisory Committee be composed of twenty members, ten of whom are representative of the consuming public and ten of whom are representative of manufacturers and distributors.

Section 6 of the Poison Prevention Packaging Act (15 USC 1471, 1475) prescribes a technical advisory committee of not more than eighteen members. These members are to be representative of (1) the Department of Health, Education and Welfare, (2) the Department of Commerce, (3) manufacturers of household substances subject to the Act, (4) scientists with expertise related to the Act and licensed practitioners in the medical field, (5) consumers, and (6) manufacturers of packages and closures for household substances. The Technical Advisory Committee as currently constituted has eighteen members, with one member representative of each of the government agencies, five representative of consumers, three representative of manufacturers of household substances, and four members from each of the two remaining categories. The Commission proposes that the Technical Advisory Committee be composed of eighteen members, one each from the government agencies, eight representative of consumers and eight representative of the manufacturing categories provided in the Poison Prevention Packaging Act. Scientists with expertise related to the Act and licensed practitioners in the medical field may be represented within either the consumer or manufacturing category depending upon their employment background.

By notice elsewhere in the FEDERAL REGISTER today, the Consumer Product Safety Commission has invited applications for membership on the two advisory committees. Appointments to the two committees will be made from applications received within 60 days of that notice in the manner of representation which the Commission determines is appropriate after considering comments received in response to this notice of proposed change.

Written comments on the proposals contained in this Notice may be submitted to the Commission on or before February 7, 1974. Comments should be addressed to the Secretary Consumer Product Safety Commission, Washington, D.C. 20207. All comments received will be on view during working hours at the Office of the Secretary, Room 1025, 1750 K Street, NW., Washington, D.C.

Dated: January 3, 1974.

SADYE DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-587 Filed 1-7-74;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON POISON PREVENTION PACKAGING

Invitation for Membership Applications

The purpose of this notice is to invite applications for membership on the Technical Advisory Committee on Poison Prevention Packaging.

The Technical Advisory Committee on Poison Prevention Packaging was first established in 1971 by the Department of Health, Education, and Welfare under the Poison Prevention Packaging Act of 1970 (Pub. L. 91-601 (15 U.S.C. 2079(a))). Functions under this act, including administration of the Technical Advisory Committee, were transferred, effective May 14, 1973, to the Consumer Product Safety Commission by the Consumer Product Safety Act (Pub. L. 92-573) (Sec. 30(a); 15 U.S.C. 2079(a)).

The Technical Advisory Committee provides advice and recommendations to the Commission in its administration of the Poison Prevention Packaging Act on the establishment of packaging standards to protect children from injury or illness resulting from handling, using, or ingesting household substances.

There are presently vacancies among the following categories of representation:

a. Manufacturers of household substances subject to the Poison Prevention Packaging Act;

b. Manufacturers of packages and closures for household substances;

c. Scientists with expertise related to the Poison Prevention Packaging Act and licensed practitioners in the medical field;

d. Consumers.

By this notice, the Commission is inviting applications for the vacancies in the membership of the Committee. Interested persons may submit applications for membership on the Committee, using the application format set out below. Persons or organizations wishing to nominate an individual for membership should also use this format and should include a statement that the nominee has agreed to serve on the Committee if invited by the Commission.

APPLICATION FORMAT

1. Name.
2. Address.
3. Birthdate.
4. Description of present employment, including consulting work.
5. Description of extracurricular activities relating to poison prevention packaging, including organization affiliations.
6. Will you represent the views and interests of an organization, association, or group? Specify. If a manufacturer, what type industry do you represent (manufacturer of household substances, packaging and closures, etc.)? Specify substances. If a scientist or medical practitioner, what area of specialty do you represent?
7. Interest questions:
a. Why are you interested in serving on the Committee?
b. What contribution can you make to the Committee?
c. Would you be available to attend approximately four one-day meetings annually?

d. How frequently would you be available to comment in writing on material provided by the Consumer Product Safety Commission?

Applications should be submitted not later than March 11, 1974, to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: January 3, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-589 Filed 1-7-74;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Advisory Committee, created by section 6(b) of Executive Order 11695, will meet on January 14, 1974, at the Cost of Living Council offices, 2000 M Street NW., Washington, D.C.

The meeting, which will be held from 10:00 a.m. to 4:00 p.m. in the second floor auditorium, will be open to the public.

The Committee will review and discuss a report on health presented by the National Commission on Productivity, the progress in implementing the Phase IV regulations for the health industry, and the long-term aspects of and the Committee's role in continuing cost containment initiatives. In addition, the Committee will be asked to consider the cost containment factors of various National Health Insurance proposals.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Only members of the Committee, and its staff, may question the witnesses. Due to space limitations, it is possible that there will not be enough seating. For that reason, persons will be admitted on a first-come-first-served basis.

While no unscheduled oral presentations will be entertained, anyone may submit a written statement by mailing it to Robert Saner, 2000 M Street NW., Washington, D.C. 20508. Any statement received three or more days prior to the meeting will be provided to the Committee before the meeting. Any statement over three pages in length should be submitted with twenty copies.

Issued in Washington, D.C., on January 4, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.74-718 Filed 1-4-74;4:28 pm]

COUNCIL ON ENVIRONMENTAL QUALITY

GOVERNORS' ADVISORY COMMITTEE STUDY OF POTENTIAL OIL AND GAS DEVELOPMENT ON ATLANTIC OUTER CONTINENTAL SHELF AND IN GULF OF ALASKA

Notice of Meeting

The Governors' Advisory Committee to the Council on Environmental Quality Study of Potential Oil and Gas Development on the Atlantic Outer Continental Shelf and in the Gulf of Alaska will hold a meeting on January 25, 1974, at 1:30 p.m. in the CEQ Conference Room, 722 Jackson Place, NW, Washington, D.C. The purpose of the meeting will be to discuss contractor reports relating to the Council's Study of Potential Oil and Gas Development on the Atlantic Outer Continental Shelf and in the Gulf of Alaska. The meeting will be open to the public. For further information contact Dr. Stephen J. Gage on 202-382-6854.

For the Council on Environmental Quality.

W. G. SAVAGE,
Administrative Officer.

[FR Doc.74-591 Filed 1-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 680]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

DECEMBER 26, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, and application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business on business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20685-C2-P-(4)-74, Tel-Page Corporation (KRH676), 14 Lafayette Square, Buffalo, New York. C.P. for additional facilities to operate on 454.100, 454.150 and 454.250 MHz and change antenna system on existing base frequency 454.200 MHz.

20686-C2-TC-(18)-74, Tel-Page Corporation: Consent to Transfer of Control (Negative) from John N. Palmer, TRANSFEROR to stock issuance to Allen and Company Incorporated, William P. McMullan, Jr., Steven Robert, and Brent D. Baird, TRANSFEREES. Stations: KEJ894 (Rochester, New York); KEC941 (Rochester, New York); KGI787 (Rochester, New York); KEC518 (Rochester, New York); KRH676 (Buffalo, New York); KEC521 (Buffalo, New York); KEC513 (Buffalo, New York); KRH631 (Syracuse, New York); KRH653 (Syracuse, New York); KEK295 (Elmira, New York); KRH636 (Elmira, New York); KEK291 (Watertown, New York); KQZ790 (Watertown, New York); KEK294 (Utica, New York); KSV967 (Jamestown, New York); KSV934 (Jamestown, New York); KTR997 (Ionia, New York) and KUO590 (Ionia, New York).

20687-C2-TC-(12)-74, Radiofone Corporation of New Jersey: Consent to Transfer of Control (Negative) from Robert Edwards, TRANSFEROR to Stockholders of Radiofone Corporation, TRANSFEREES. Stations: KEC933 (Ossining, New York); KUO615 (Red Bank, New Jersey); KEC744 (Atlantic City, N.J.); KEC746 (Cape May, New Jersey); KEC738 (Hawthorne, New Jersey); KEA256 (East Brunswick, N.J.); KGA800 (Wilmington, Delaware); KEJ886 (Neptune, New Jersey); KRS674 (Neshanic, New Jersey); KGI778 (Red Bank, New Jersey); KQZ777 (Holmdel, New Jersey) and KUO631 (Atlantic City, New Jersey).

20688-C2-TC-(3)-74, Florida Telephone Corporation: Consent to Transfer of Control from Common Stockholders of Florida Telephone Corporation, TRANSFERORS to United Telecommunications, Inc., TRANSFEREE. Stations KIJ360 (Leesburg, Florida); KIQ509 (Ocala, Florida) and KQZ771 (Windermere, Florida).

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

20690–C2–P–(4)–74, Minnesota Mobile Telephone Co., Inc. (KRS637): C.P. for additional facilities to operate on 454.125, 454.175, 454.275 and 454.325 MHz at a new site identified as Loc. #2: IDS Center, 80 South 8th Street, Minneapolis, Minnesota.

20691–C2–P–74, Wisconsin Telephone Company (KSA220): 3 Miles NW of Lake Geneva, Wisconsin. C.P. to replace antenna system; replace transmitter operating on 152.66 MHz and change antenna location to 1070 Carey, Lake Geneva, Wisconsin.

20692–C2–P–(2)–74, Anserphone, Inc. (KQK-587): Loc. #2: Off U.S. Highway 82, approx. 4 Miles East of Warren, Ohio. C.P. to change antenna location #2 to Loys Corners, 1 Mile North of Girard, Ohio for base frequency 152.21 MHz and add base frequency 152.09 MHz.

20693–C2–MP–(3)–74, RAM Broadcasting of Indiana, Inc. (KSD327): Mod. of C.P. to relocate proposed facilities 454.025, 454.125 and 454.225 MHz from Reilly Tower North, Crown Tower No. 2, 600 North Alabama Street, Indianapolis, Indiana to #1 Indiana Square, Indiana National Bank Building, Indianapolis, Indiana. (INFORMATIVE: Facilities authorized File No. 4576–C2–P–(3)–70)

20694–C2–P–74, Mobaphone Dispatch Service Co. (KLB330): 805 E. 34th Street, Plainview, Texas. C.P. to add 152.09 MHz base facilities at its existing location.

20695–C2–P–(2)–74, The Mountain States Telephone & Telegraph Company (KOK-341): 11.5 Miles SSE of Rock Springs, Wyoming. C.P. to replace transmission line and transmitters for base frequencies 152.69 and 152.75 MHz.

20721–C2–AL–74, Calhoun Telephone Company (KQK774): Route 60, Approx. 3 Miles East of Homer, Michigan. Consent to Assignment of License from Calhoun Telephone Company, ASSIGNOR, to Mid-Michigan Telephone Corporation (Formerly New Lawrence Telephone Company), ASSIGNEE.

20722–C2–AL–74, Whiteford Telephone Company (KQK780): 2185 Samaria Road, 1 Mile West of Samaria, Michigan. Consent to Assignment of License from Whiteford Telephone Company, ASSIGNOR, to Mid-Michigan Telephone Corporation (Formerly New Lawrence Telephone Company), ASSIGNEE.

20723–C2–P–74, Carolina Telephone and Telegraph Company (KFQ924): 300 New Bridge Street, Jacksonville, North Carolina. C.P. to add 152.60 MHz base facilities at its existing location.

4180–C2–P–(4)–73, Radicall, Inc. (KUA482): C.P. for additional 1-way-signaling facilities to operate on 152.24 MHz at new sites identified as Loc. #4: 2261 Kalia Road (Waikiki) Honolulu, Hawaii; Loc. #5: Mauna Kapu, Oahu, Hawaii; Loc. #6: Kuko Head, Honolulu, Hawaii and Loc. #7: Ulupau Head, Kaneohe, Hawaii.

5890–C2–P–73, Charles F. Mefford, doing business as SOUTHERN OHIO RADIO TELEPHONE AND PAGING RESUBMITTED: C.P. to add a new site identified as Loc. #2: 4527 Aicholtz Road, Mount Carmel, Ohio, to operate on authorized frequency 454.300 MHz.

20724–C2–P–74, AAA Anserphone, Inc.-Jackson (New), Old Kingston Road, 4 Miles SSE of Natchez, Mississippi. C.P. for a new 1-way-signaling station to operate on 152.24 MHz.

20725–C2–P–74, Gregory F. Butler d.b.a. Tele-Beep Company (New): 400 Remington Avenue, Bismarck, North Dakota. C.P. for a new 1-way-signaling station to operate on 152.24 MHz.

20726–C2–P–74, Wisconsin Telephone Company (KSC646): 5 Miles SE of Janesville, Wisconsin. C.P. to change location to La Prairie, 6.3 Miles SE of Janesville, Wisconsin, and replace transmitter operating on 152.81 MHz.

20727–C2–P–74, Pacific Northwest Bell Telephone Company (KOE519): Brown's Mountain, 7.5 Miles SE of Spokane, Washington. C.P. to increase power on existing frequencies 152.51 and 152.63 MHz and add an additional channel 152.66 MHz.

20728–C2–P–74, Pacific Northwest Bell Telephone Company (KOF325): 2 Miles SW of Union Gap, Washington. C.P. to increase power on existing base frequency 152.66 MHZ and add base channel 152.81 MHz.

Corrections

20543–C2–P–(2)–74, Vern R. Garbin doing business as Curry County Communications (KOP249): Loc. No. 1 should read Signal Butte, 6.75 Miles East of Gold Bend, Oregon (not California). All other particulars remain the same as reported Public Notice dated November 19, 1973, Report No. 675.

20681–C2–TC–(2)–74, Rendezvous Paging Corporation (KGI278 and KGC222): Transferee should read Radiofone Corporation. All other particulars remain the same as reported Public Notice dated December 17, 1973, Report No. 679.

20682–C2–TC–74, New Jersey Mobile Telephone Company, Inc. (KEK290): Transferee should read Radiofone Corporation (not William P. McMullan, Jr.) as reported Public Notice dated December 17, 1973, Report No. 679.

RURAL RADIO SERVICE

60126–C6–ML–73, South Central Bell Telephone Company (KPP66): Approx. 2 Miles NW of Venice, Louisiana. Mod. of License to add a subscriber Exxon Communications Company–U.S.A., located at Southeast Pass, La. (WSN47) as a new point of communication.

General Telephone Company of Upstate New York, Inc. (KEH90): 136–142 Erwin Street, Boonville, New York (Central Office) and (KEH91) 4.3 Miles WNW of Turin, New York (Subscriber: FAA Gomer Hill). RENEWAL of License expiring 11–1–73. TERM: 11–1–73 to 11–1–78.

APPLICATIONS ACCEPTED FOR FILING

POINT TO POINT MICROWAVE RADIO SERVICE

2222–C1–P–74, General Telephone Company of Illinois (KSH94), 210 West Union Street, Marion, Illinois. Lat. 37°43'58" N., Long. 88°55'42" W. C.P. to change antenna system on freqs. 5960.0H, 6019.3H, 6137.9H MHz toward Wiatonville, Ill., on azimuth 348°59'.

2223–C1–P–74, The Pacific Telephone and Telegraph Company (KNL52), Purdys Gardens, 7.3 Miles ESE of Ukiah, California. Lat. 39°06'35" N., Long. 123°04'49" W. C.P. to change antenna system on freqs. 11405V, 11645H MHz toward Lakeport, Calif., via Passive Reflector; freqs. 11445H, 11685V MHz toward Ukiah, Calif. on azimuth 291°04'.

2224–C1–R–74, Bell Telephone Company of Nevada (KPF80). In any temporary fixed location within the territory of the grantee. Application for renewal of License for term: from December 1, 1973, to December 1, 1974.

2225–C1–P–74, The Mountain States Telephone and Telegraph Company (New), 808 Second Avenue East, Scobey, Montana. Lat. 48°47'26" N., Long. 105°25'09" W. C.P. for a new station on freq. 10955V MHz toward Peerless, Mont., on azimuth 279°44'; freq. 10715H MHz toward Peerless, Mont.

2226–C1–P–74, Same (KPV94), 4.5 Miles NNW of Peerless, Montana. Lat 48°50'30" N., Long. 105°52'42" W. C.P. to add freqs. 11405V, 11645H MHz toward a new point of communication at Scobey, Mont., on azimuth 99°24'.

2227–C1–P–74, Same (New), Bagdad, Arizona. Lat. 34°34'24" N., Long. 113°10'41" W. C.P. for a new station on freq. 2128.0V MHz toward Towers Mountain, Ariz., via Passive Reflector.

2228–C1–P–74 Same (WAY52) Towers Mountain, 2.6 Miles NW of Crown King, Arizona. Lat. 34°14'01" N., Long. 112°22'11" W. C.P. to add freq. 2178.0V MHz toward a new point of communication at Bagdad, Ariz., via Passive Reflector.

2229–C1–P–74, American Telephone and Telegraph Company (KLS27), 5.0 Miles NE of Floresville, Texas. Lat. 29°11'21" N., Long. 98°06'20" W. C.P. to add freq. 3790V MHz toward San Antonio, Tex., on azimuth 305°40'.

2230–C1–P–74 Same (KKC93), 105 Auditorium Circle, San Antonio, Texas. Lat. 29°25'46" N., Long. 98°29'20" W. C.P. to add freq. 4070V MHz toward Floresville, Tex., on azimuth 125°29'.

2231–C1–P–74, New England Telephone and Telegraph Company (KCA75), WSW of Barnstable, Massachusetts. Lat. 41°40'57" N., Long. 70°21'17" W. C.P. to add freqs. 6034.2V, 5974.8V MHz toward Plymouth, Mass., on azimuth 315°14'.

2232–C1–P–74, Same (WPX99), Seven Hills Road, Plymouth, Massachusetts. Lat. 41°-56'36" N., Long. 70°42'07" W. C.P. to add freq. 6286.2V MHz toward Fairhaven, Mass. on azimuth 204°41'; freqs. 6286.2H, 6226.9H MHz toward Barnstable, Mass., on azimuth 135°00'.

2233–C1–P–74, Same (New), 200 Mill Road, Fairhaven, Massachusetts. Lat. 41°39'01" N., Long. 70°52'53" W. C.P. for a new station on freq. 6034.2H MHz toward Plymouth, Mass., on azimuth 24°33'.

2234–C1–P–74, Northwestern Bell Telephone Company (KAW20), 3.5 miles WSW of Dorothy, Minnesota. Lat. 47°54'33" N., Long. 96°31'03" W. C.P. to change antenna system and replace (2) Collins, 552A–1A transmitter with (1) Lenkurt, 778A2 transmitter on freqs. 6308.4V, 6294.-1V, 6367.7V MHz toward Grand Forks, N.D., on azimuth 272°43'.

2235–C1–P–74, Same (KAR89), 103 5th Street North, Grand Forks, North Dakota. Lat. 47°55'28" N., Long. 97°01'58" W. C.P. to change antenna system, correct geographic coordinates and replace (2) Collins, 552A–1A transmitters with (1) Lenkurt, 778A2 transmitter on freqs. 6145.3V, 5937.8V, 6056.4V MHz toward Dorothy, Minn., on azimuth 92°20'.

2236–C1–P–74, Eagle Valley Telephone Company (New), 3rd and Wall Streets, Eagle, Colorado. Lat. 39°39'14" N., Long. 106°-49'39" W. C.P. for a new station on freq. 2178.0V MHz toward Castle Peak, Colo., on azimuth 349°54'.

2237–C1–P–74, Same (New), Castle Peak, 8.6 Miles NNW of Eagle, Colorado. Lat. 39°-46'27" N., Long. 106°51'19" W. C.P. for a new station on freq. 2128.0V MHz toward Eagle, Colo., on azimuth 169°53'; freq. 2118.4H MHz toward Lookout Point, Colo., on azimuth 236°06'.

2238–C1–MP–74, MCE Telecommunications Corp. (WPY67), 1.6 miles ESE of Kenna, New Mexico, Lat. 33°50'06" N., Long. 103°-44'39" W. Mod. of C.P. to change frequency on azimuth 79°01' toward Pep, New Mexico, to 6315.9H MHz.

2239–C1–P–74, Nebraska Consolidated Communications Corp. (New), 6th and University Lane, Des Moines, Iowa. Lat. 41°35'58" N., Long. 93°37'24" W. C.P. for a new station on Frequency 10775V MHz on azimuth 81°54' toward Altoona, Iowa.

2240–C1–P–74, Nebraska Consolidated Communications Corp. (WOH48), 2.3 miles SW

of Altoona, Iowa. Lat. 41°36'51" N., Long. 93°29'05" W. C.P. to add frequency 11345V MHz on azimuth 262°00' toward new point of communication, Des Moines, Iowa.

Major amendment

1286-C1-P-74, United States Transmission Systems (New), 5 miles SW of Dayton, Texas. Change polarization of frequency 6197.2 MHz toward Houston, Texas, to Horizontal. All other particulars same as reported on Public Notice dated 10-29-73.

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED

TELEPHONE WIRE FACILITIES

P-C-8791, The Chesapeake and Potomac Telephone Company of Maryland; D.C. and Virginia: INFORMAL (section 63.03). For authority to supplement existing facilities between Columbia, Maryland-Arlington, Virginia, and Columbia, Maryland-Washington, D.C.

P-C-8792, The Mountain States Telephone and Telegraph Company: INFORMAL (section 63.03). For authority to supplement existing facilities from New Mexico to various points in Arizona, Colorado, and Utah.

P-C-8793, New England Telephone and Telegraph Company: INFORMAL (section 63.03). For authority to supplement existing facilities between Laconia, New Hampshire-Portland, Maine: Lawrence, Massachusetts-Portland, Maine, and between Portland, Maine-Worcester, Massachusetts.

P-C-8794, Southwestern Bell Telephone Company: INFORMAL (section 63.03). For authority to supplement existing facilities between Bridgeton and St. Louis, Missouri.

P-C-8795, Southwestern Bell Telephone Company: FORMAL (section 63.01). For authority to supplement existing facilities between Abilene and Hamlin, Texas.

[FR Doc.74-434 Filed 1-7-74;8:45 am]

FEDERAL ENERGY OFFICE

[FEO Order No. 3]

SECRETARY OF THE TREASURY

Delegation of Authority for Compliance and Enforcement Functions

Pursuant to the authority delegated to me by Executive Order No. 11748, it is hereby ordered as follows:

1. There is hereby delegated to the Secretary of the Treasury for redelegation to the Commissioner of Internal Revenue (the Commissioner), subject to the general policy guidance and direction of the Administrator of the Federal Energy Office (FEO), authority to perform compliance and enforcement functions which will include, but not be limited to, the following:

(a) Conduct investigations to determine compliance with the Federal Energy Office's regulations and orders issued pursuant to such regulations.

(b) Notify persons and/or business entities of probable violations of the regulations and orders of FEO, issue remedial orders, monitor remedial activities and approve compliance actions with respect thereto.

(c) Sign and enforce subpoenas for the attendance and testimony of witnesses and the production of relevant documents, including books and papers, and to administer oaths, all in accordance with Section 206 of the Economic Stabilization Act of 1970, as amended, with respect to functions delegated by this order and, subject to the concurrence of the General Counsel of FEO, seek judicial enforcement of such subpoenas.

(d) Subject to review by the Administrator, FEO, collect civil penalties and compromise or settle cases involving civil penalties for violations of the regulations and orders of FEO.

2. The Commissioner may redelegate to any official of the Internal Revenue Service any authority included in this order which may be necessary to carry out the functions delegated by this order.

3. This delegation shall be effective as of December 26, 1973.

WILLIAM E. SIMON,
Administrator,
Federal Energy Office.

DECEMBER 28, 1973.

[FR Doc.74-716 Filed 1-7-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[No. 73-2035]

FEDERAL SAVINGS AND LOAN ASSOCIATIONS

Statement of Policy Regarding Applications for Permission To Establish Branch Offices, Mobile Facilities and Satellite Offices in Illinois

DECEMBER 28, 1973.

Resolved, that Resolution No. 73-178 is hereby amended to read as follows:

The Federal Home Loan Bank Board, in considering its policy regarding applications by Federal savings and loan associations for permission to establish de novo branch offices, mobile facilities, and satellite offices in Illinois, has determined that commercial banks in Illinois are conducting affiliate operations. Accordingly, under the Board's statement of policy set out in paragraph (b)(1) of § 556.5 of the rules and regulations for the Federal Savings and Loan System (12 CFR 556.5(b)(1)), de novo branch offices, mobile facilities, and satellite offices of Federal associations in Illinois are now, for the first time, permitted by the Board. However, in order to effect an orderly transition, the Board hereby imposes the following limitations with respect to applications by Federal associations for permission to establish de novo branch offices, mobile facilities, and satellite offices in Illinois:

1. The Board will process and consider only applications for de novo branch offices, mobile facilities and satellite offices filed by Federal associations in Illinois on or after February 1, 1973.

2. A Federal association in Illinois may have on file at any one time during the period February 1, 1973 through June 30, 1974 only one application for a de novo branch office, mobile facility or satellite office. After approval, denial or withdrawal of such an application, an additional application may be filed by a Federal association in Illinois for processing during such period. However, the Board will approve only one application from a Federal association in Illinois during such period.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-597 Filed 1-7-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 73-77]

FAR EAST CONFERENCE

Enlargement of Time for Filing Comments

JANUARY 2, 1974.

Far East Conference; investigation of rates, rules and practices pertaining to the movement of non-ferrous scrap metal and non-ferrous virgin metal from United States East and Gulf Coast ports to ports in the Far East.

The law firm of Graham and James, San Francisco, California, has requested a 30-day enlargement of time within which to comment on the draft environmental impact statement issued in conjunction with this proceeding.

Good cause appearing, comments may be submitted on or before February 4, 1974. The Order of Investigation and the Notice of Availability of Draft Environmental Impact Statement, served December 4, 1973, are hereby amended accordingly.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-573 Filed 1-7-74;8:45 am]

[Docket No. 73-81]

SEA-LAND SERVICE, INC.

Order of Investigation and Suspension

Effective December 30, 1973, Sea-Land Service Inc. (Sea-Land) proposes to reduce its Freight All Kinds (FAK) rates applicable to forty foot high cube containers moving from ports in Florida to San Juan, Puerto Rico. The proposed reductions amount to 33.4 percent from Jacksonville and 12.3 percent from Miami and would result in rates considerably lower than Sea-Land's FAK rates from other Atlantic Coast ports to Puerto Rico. The proposed new rates from Jacksonville would also result in a lower rate for Sea-Land's forty foot high cube containers than for its thirty-five foot containers.

The reductions were protested by TMT Trailer Ferry, Inc., Sea-Land's main competitor in the Florida/Puerto Rico Trade. TMT alleges that the reductions will:

(a) Create discrimination between ports in violation of section 16 First of the Shipping Act, 1916;

(b) Divert cargo from other Atlantic Coast ports; and

(c) Violate the principles established in Rates From Jacksonville, Florida to Puerto Rico, 10 F.M.C. 376 (1967).

Upon consideration of the tariff matter[1] and the protest, the Commission is

[1] 11th Revised Page 344, and notes 23 and 24 on 8th Revised Page 345-A of Sea-Land's Tariff FMC-F No. 21.

of the opinion that the proposed reductions should be made the subject of a public investigation and hearing to determine whether they are unjust, unreasonable or otherwise unlawful under sections 16 First and 18(a) of the Shipping Act 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing:

Therefore, it is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of Sea-Land's proposed reductions for the purpose of making such findings and orders as the facts and circumstances warrant. In the event that the tariff matter hereby placed under investigation is further changed, amended, or reissued such changes are hereby ordered to be made a part of this investigation.

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, 11th revised page 344 and notes 23 and 24 on 8th revised page 345–A of Sea-Land's Tariff FMC–F No. 21 are hereby suspended and the use thereof deferred to and including April 29th, 1974, unless otherwise ordered by the Commission.

It is further ordered, That there shall be filed immediately by Sea-Land Service, Inc. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until April 30, 1974, unless otherwise authorized by the Commission, and that the rates and charges heretofore in effect and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended nor the matter continued in effect as a result of suspension may be changed until this proceeding has been disposed of or until the period of suspension has expired, whichever comes first, unless otherwise ordered by the Commission.

It is further ordered, That pursuant to section 18a of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, a determination shall be made as to whether the proposed reductions are just and reasonable.

It is further ordered, That pursuant to section 16, First of the Shipping Act, 1916, a determination shall be made as to whether Sea-Land's proposed reductions are likely to result in undue or unreasonable preference or advantage to shippers using the ports of Jacksonville and Miami and/or cargo originating in Florida, or undue or unreasonable prejudice or disadvantage to shippers using other Atlantic Coast ports and/or cargo originating in places other than Florida.

It is further ordered, That copies of this order shall be filed with the appropriate tariff schedules in the Bureau of Compliance of the Federal Maritime Commission.

It is further ordered, That Sea-Land Service, Inc. be named as respondent in this proceeding.

It is further ordered, That TMT Trailer Ferry, Inc. be named as complainant in this proceeding in accordance with the Commission's Rules of Practice and Procedure.

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge.

It is further ordered, That (I) a copy of this order be forthwith served upon the respondent and complainant herein and upon the Commission's Bureau of Hearing Counsel, and published in the FEDERAL REGISTER; and (II) the respondent, complainant and Hearing Counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–574 Filed 1–7–74;8:45 am]

TRADE BETWEEN U.S. ATLANTIC AND GULF PORTS AND CENTRAL AND SOUTH AMERICA AND THE CARIBBEAN

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before January 28, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

C. D. Marshall, Chairman, Associated Latin American, Freight Conferences, 11 Broadway, New York, N.Y. 10004.

A petition filed in behalf of the conferences listed below has been assigned the following respective agreement numbers:

Atlantic & Gulf/West Coast of Central America and Mexico Conference	8300–13
Atlantic & Gulf/West Coast of South American Conference	2744–35
East Coast Colombia Conference	7590–21
Leeward & Windward Islands & Guianas Conference	7540–25
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference	6190–28
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference-Oil Companies Contract Agreement (Proprietary Cargo)	6870–16
West Coast South America Northbound Conference	7890–10

The petition is to amend the present intermodal arrangement provisions in the basic agreements of the above conferences by deleting the following portion thereof:

> However, if the Conference does not exercise the intermodal authority granted herein within 12 months from February 12, 1973, then the member lines, either individually or in concert with any other member line or lines or any non-member line or lines, may establish, publish, file or operate under any through intermodal transportation rates and issue any through bills of lading negotiated on its (their) own initiative."

and to extend their intermodal arrangement provisions, as so amended, for an indefinite period beyond the present termination date of August 12, 1974.

By Order of the Federal Maritime Commission

Dated: January 3, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–575 Filed 1–7–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74–91 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

DECEMBER 19, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI74–91	Atlantic Richfield Co	229	12	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	$3,351	11–23–73		6–1–74	28.105	29.109	RI73–211.
	do	290	[4] 11	Northern Natural Gas Co. (Ozona Area, Crockett County, Tex., Permian Basin).		11–21–73	12–22–73	[16]			
	do		[5] 12	do	[6]	11–21–73		[3 14]	17.064	37.0	
	do	452	10	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	6,365	11–23–73		6–1–74	28.105	29.109	RI73–211.
	do	457	12	El Paso Natural Gas Co. (Brown-Bassett (Ellenburger) Field, Terrell County, Tex.) (Permian Basin).	27,540	11–23–73		6–1–74	28.105	29.109	RI73–211.
	do	511	21	El Paso Natural Gas Co. (Brown Bassett Field, Terrell County, Tex.) (Permian Basin).	51,806	11–23–73		6–1–74	28.105	29.109	RI73–211.
	do	286	[8] 7	Northern Natural Gas Co. (Coyanosa Field, Pecos County, Tex.) (Permian Basin).		11–19–73	12–22–73	[16]			
	do		[8] 8	do	67,934	11–19–73		[14 17]	17.0638	35.1313	
RI73–210	Amerada Hess Corp	67	11	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	(45,219)	11–23–73	8–7–73	[11] Accepted	29.5103	[7 9] 23.95	RI73–210.
	do		12	do	45,219	11–23–73		11–24–73	[1] 23.95	29.5103	
RI74–92	Phillips Petroleum Co	397	[10] 8	El Paso Natural Gas Co (Lancaster Hills Area, Crockett County, Tex.) (Permian Basin).	7,649	11–16–73		6–1–74	35.6038	36.6210	RI73–264.
RI74–41	Exxon Corp	132	[12] 1 to 15	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	40,195	11–19–73		3–25–74	[13] 42.0	42.1575	RI74–41.
RI74–41	do	447	[12] 1 to 12	do	3,495	11–19–73		3–25–74	[13] 42.0	42.1575	RI74–41.
RI74–93	Mobil Oil Corp	201	14	do	11,355	11–28–73		6–1–74	[8] 27.89	[8] 28.89	RI73–198.
	do	241	24	El Paso Natural Gas Co. (Brown-Bassett (Ellenburger), Terrell County, Tex.) (Permian Basin).	53,695	11–28–73		6–1–74	[8] 25.4620	[8] 26.4620	RI73–156.

*Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] Subject to quality adjustment and gathering allowance, if applicable, pursuant to Opinion No. 662.

[2] Contract agreement dated Oct. 30, 1973.

[3] Applicable only to the Strawn Formation as provided by contract agreement dated Oct. 30, 1973, exclusive of new acreage dedicated by the agreement.

[4] Currently no deliveries.

[5] Contract agreement dated Oct. 24, 1973.

[6] Applicable to production from J. O. Neal 42-3U replacement well as provided by agreement dated Oct. 24, 1973.

[7] Decrease in compliance with Opinion No. 662.

[8] Includes quality adjustments.

[9] The proposed rate increase is accepted as of Dec. 22, 1973 insofar as it does not exceed the applicable ceiling under Opinion No. 662, and is suspended until May 22, 1974 insofar as it exceeds the ceiling under that opinion.

[10] Not used.

[11] The proposed rate is accepted as of the date shown in the "Effective Date Unless Suspended" column, the date of issuance of Opinion No. 662. The proposed rate accepted herein shall not exceed the applicable area rate as adjusted for quality, and gathering allowance if applicable, pursuant to Opinion No. 662.

[12] Corrected notice of change reflecting tax reimbursement.

[13] Suspended in Docket No. RI74–41 until Mar. 25, 1974.

[14] The rates accepted herein shall not exceed the applicable area ceiling rate as adjusted for quality pursuant to Opinion No. 662.

[15] Applicable only to sales made pursuant to Supplement No. 6.

[16] Accepted as of the date set forth in the "Effective Date Unless Suspended" column.

[17] The proposed rate increase is accepted as of Dec. 20, 1973 insofar as it does not exceed the applicable ceiling under Opinion No. 662 and is suspended until May 20, 1974, insofar as it exceeds the ceiling under that opinion.

The proposed increases of Atlantic Richfield Company under FPC Gas Rate Schedule Nos. 290 and 286, respectively, are accepted thirty days after filing to the extent they do not exceed the ceiling under Opinion No. 662, but those portions of the proposed rates exceeding the ceiling rate under that opinion are suspended for five months.

Prior to the issuance of Opinion No. 662, Amerada Hess Corporation was collecting an increased rate subject to refund which was in excess of the just and reasonable rate subsequently established in that opinion. Amerada has filed herein a decreased rate down to the level prescribed in that opinion, and concurrently has filed a rate increase back up to its prior rate level. The proposed decrease is accepted as of August 7, 1973, the effective date of Opinion No. 662, and the proposed rate increase is suspended in the same suspension proceeding applicable to its prior rate for one day from the date of filing with waiver of the 30 day notice period granted.

Exxon Corporation under FPC Gas Rate Schedule Nos. 132 and 447, respectively, has submitted revised rate increases to reflect tax reimbursement that was inadvertently omitted from prior increases that were suspended for five months until March 25, 1974. The revised increases are suspended subject to the existing suspension proceeding to be effective subject to refund as of March 25, 1974, the same date the prior increases will become effective subject to refund.

The remaining proposed increases are suspended for five months because they exceed the applicable ceiling estabilshed in Opinion No. 662.

[FR Doc.74–62 Filed 1–7–74;8:45 am]

[Docket No. CP74–149]

CONSOLIDATED GAS SUPPLY CORP.

Notice Deferring Procedural Dates

DECEMBER 20, 1973.

On December 11, 1973, Consolidated Gas Supply Corporation filed a motion for consolidation of proceedings with Docket No. RP73–115 and for change of the procedural dates.

On November 8, 1973, Staff Counsel filed a motion for an extension of time and request for order in Docket No. RP73–115. On November 9, 1973, a notice was issued deferring the hearing pending further order of the Commission.

Upon consideration, notice is hereby given that the procedural dates in the above matter are deferred pending further order of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–634 Filed 1–7–74;8:45 am]

[Docket No. E–8416]

GULF STATES UTILITIES CO.

Issuance of Short-Term Promissory Notes, Granting Intervention, and Consolidating Proceedings

DECEMBER 21, 1973.

Gulf States Utilities Company (Applicant), on September 24, 1973, filed an application pursuant to section 204 of the Federal Power Act, seeking authority to issue short-term unsecured promissory notes (Notes) in the aggregate principal amount of $125,000,000 to commercial banks and commercial paper dealers. All notes will be issued on various dates commencing December 31, 1973, and will mature not later than December 31, 1975.

Applicant is incorporated under the laws of the State of Texas with its principal business office at Beaumont, Texas, and is engaged in the electric utility business in portions of Louisiana and Texas.

Notes issued to commercial banks will mature not later than one year from the date of issuance and notes issued to commercial paper dealers will mature not later than 270 days from the date of issue. The aggregate amount of commercial paper that will be outstanding at any one time will not exceed 25 percent of the Applicant's most recent twelve-month's revenues from the sale of electricity, gas and steam products. The interest rate of borrowing from commercial banks will be the prime rate of the lender in effect at the time of each borrowing, adjusted periodically as such rate may fluctuate. The interest cost (discount rate) of issuing commercial paper will be determined at the time it is issued and will necessarily be dependent on money market conditions, length of time to its maturity, and its acceptance by buyers of commercial paper.

The proceeds from the notes will be added to the general funds of the Applicant to be used to provide a part of the interim funds for current construction expenditures which are estimated to be about $288,000,000 for the years 1973 and 1974. The Applicant had net utility plant of $1,052,589 as of July 31, 1973, and had net income of $49,513,289 for the twelve months ended the same date.

Written notice of the application has been given to the Texas Railroad Commission and to the Governor of that State. Notice has also been given by publication in the FEDERAL REGISTER on October 30, 1973 (38 FR 29918), stating that any person desiring to be heard or to make any protest with reference to the application should on or before November 9, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests. No petition, protest or request to be heard in opposition to the granting of the application has been received.

On November 9, 1973, the Cities of Lafayette and Plaquemine, Louisiana, (Cities) filed a Protest and Petition to Intervene in this proceeding, stating inter alia:

> Gulf States represents in paragraph J of its application that "the proceeds from the notes will be added to the general funds of the Company to be used, among other things, to provide part of the interim funds for current construction expenditures." Gulf States goes on to state that the expenditures of these funds is necessary for both "the construction program and other current corporate transactions." There is no indication given in the application as to what "other current corporate transactions" include. Thus Gulf States will obtain, through the proposed security issuance, additional funds to use for purposes which the Cities have previously contended may be illegal and anticompetitive in nature and violative of the objectives of the Federal Power Act, particularly Section 202, 204, 205 and 206.

Cities therefore, oppose the authorization sought by Gulf States and request that the application be set for hearing in accordance with provisions of Section 204 of the Federal Power Act or in the alternative; if Cities request for a hearing prior to Commission action on the authorization is denied, the Cities ask that this proceeding be consolidated with Docket No. E–7676 for hearing purposes, and that provision be made for a subsequent action to rescind or condition any authorization granted if it is determined after hearing that the funds are to be used for anticompetitive or otherwise unlawful purposes.

As further support, the Cities incorporate by reference the protest and petitions and interventions filed by the Cities in Docket Nos. E–7567, E–7663, E–7696, E–7805 and E–8282 in addition to all pleadings previously filed by them in Docket No. E–7676.

On November 15, 1973, Applicant filed "Answer of Gulf States Utilities Company to Protest and Petition to Intervene." Applicant's Answer to Cities Petition to Intervene generally denies all incorporated allegations of Cities that Applicant has engaged in anticompetitive practices. Applicant further states:

> The lawful object of the proposed financing is evident from Applicant's application. The lawful construction program is subscribed in detail as required by Commission regulations. Petitioners alleged no improper or continuing activity of Applicant which is shown to be a purpose or object to be financed by the issuance of notes here proposed. Applicant's use of proceeds will be limited by this Commission's order to the object and purposes shown in the application, contrary to the assertion of petitioners.

Applicant in its Answer requests the Commission to deny the Petition to Intervene and, without hearing, issue its order approving Applicant's application for issuance of securities.

The Commission in reaching its determination with regard to this application must consider the filing in the light of other previous proceedings. Applicant has previously filed applications for authorization of various types of security issues in Docket Nos. E–7567, E–7682, E–7663, and E–7805. Protests and petitions to intervene alleging antitrust violations were filed in each of those dockets by the Cities of Lafayette and Plaquemine, Louisiana.

Docket No. E–7567 was appealed to the United States Circuit Court of Appeals for the District of Columbia, and on October 12, 1971, the Court of Appeals issued a decision, City of Lafayette, Louisiana v. SEC 454 F. 2d 921, wherein it remanded to the Commission for further proceedings not inconsistent therewith, an order issued by the Commission stating in part that:

> The alleged violations which Petitioners attempt to raise in this proceeding are irrelevant to requested authorization of securities. There is no relief that the Commission can order in authorizing the issuance of bonds for refinancing purposes that would have any effect on the interest on the Petitioners, or solve any of the problems outlined by them.

On May 30, 1972, the Supreme Court granted a writ of certiorari to Gulf States Utilities to review the Court of Appeals decision.

Prior to the Supreme Court grant of a writ of certiorari, Applicant filed three additional securities applications with the Commission pursuant to section 204 (Docket Nos. E–7763, E–7682, and E–7805). The Commission in following the guidelines of the Court of Appeals decision approved the securities issuances in the above dockets but severed the antitrust allegations into a separate complaint proceeding under section 306 of the Federal Power Act (Docket No. E–7676). Pursuant to the grant of certiorari the Commission by order issued in Docket No. E–7676 on June 1, 1972, stated all further proceedings in the docket before the Commisison until the Supreme Court entered a final decision on the appeal of the City of Lafayette Case.

The Commisison in its order of December 29, 1972, in Docket No. E–7805 quoted a previous order issued by them on November 4, 1971 in Docket No. E–7663, stating that:

> The Commission in reviewing Cities contentions as set forth in their petition has done so in the light of its overall responsibilities under the Federal Power Act. The Commission is aware of its responsibilities with regard to interconnection and coordination of the facilities, for purposes

throughout the United States with the greatest possible economy and with regard to proper utilization and conservation of natural resources. Further, the Commission is aware of its responsibilities to enhance optimum interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capabilities. All of the Commission's responsibilities being directed toward safe-guarding cost rates and reliability.

At the same time, the Commission realizes that security issues to provide funds for utility construction and financing programs must be decided in a time frame much more limited than that contemplated for consideration of the alleged anticompetitive activities.

With an awareness of its responsibilities, the Commission, however, is unable to determine the merits of the Cities contention and the Commission's authority to grant relief sought without further proceedings and the benefit of a hearing in which evidence is presented and legal authority is cited to grant the relief sought.

The Commission by using the above language made it clear that it did not intend to pre-judge the merits of anticompetitive allegations without a full and complete hearing, and at the same time, the Commission made it clear that it did not intend to jeopardize adequate electrical service to consumers of Gulf States Utilities Company by placing undue restrictions on Gulf States' ability to finance electric facilities required to provide adequate service.

This Commission cannot allow consumers served by utilities under its jurisdiction to suffer inadequate service by precipitous Commission action. The consideration of public interest must necessarily take into account a myriad of factors including anticompetitive allegations. The Commission cannot however, allow a utility to stop efficient operations pending its determination of the validity of the merits of such allegations. Until a complete evidentiary record has been developed in this Docket and other related dockets the Commission cannot assign weight to unproved anticompetitive allegations by the Cities or unproved defenses by the Company when the result of doing so would occasion the loss or reduction of a vital service to the consuming public. To do so would only encourage a private interest to the subversion to the public interest.

The Commission in reaching this conclusion feels it is in complete compliance with the Supreme Court's ruling in *Gulf States Utilities Company* v. *F.P.C.* ____ U.S. ____ 36 L.Ed 2d 635 (1973), where at page 642 the Court said:

> In making its determination under section 204(a) the Commission is given broad powers of inquiry and enforcement. By section 204(b) it may hold hearings on the application, may grant the application "in whole or conditions as it may find necessary or appropriate." After opportunity for hearing and for good cause shown, it may supplement, modify, or condition any previous order "as it may find necessary or appropriate." * * * The Court went on further to say at page 646: Our conclusion that, as a general rule, the Commission must consider anticompetitive consequences of the security issue under Section 204 does not mean that the Commission must hold a hearing on objections on every case. Neither does it mean that every allegation must be fully investigated regardless of its facial merit, or that consideration of the allegations may not, in appropriate circumstances, be deferred, or that a major portion of the securities issue may not forthwith be authorized and only the remainder withheld for further study.

The Commission cannot allow the private interest of either the Applicant or the Cities to override the consideration we must necessarily give to the public now being provided adequate electric service.

Inasmuch as the issues presented by the Cities in this proceeding involve the same subject matter as those presently being considered in Docket No. E–7676, the Commission feels that it is appropriate to consider the petitions to intervene filed in this Docket as complaints under section 306 of the Federal Power Act and to consolidate those complaints with the complaints previously filed in Docket No. E–7676.

The Commission finds:

(1) The Applicant, a corporation, is a public utility within the meaning of section 204 of the Federal Power Act, subject to the jurisdiction of this Commission as heretofore determined, and set forth in the Commission's order issued November 27, 1957. In the Matter of Gulf States Utilities Company, Docket No. E–6785 (18 FPC 701).

(2) The proposed issuance of short-term promissory notes to commercial banks and commercial paper dealers in the aggregate principal amount of $125,000,000, all as described above, will constitute an issuance of securities within the purview of section 204 of the Act.

(3) The proposed issuance of short-term promissory notes to commercial banks and commercial paper dealers in the aggregate principal amount of $125,000,000, all as described above, will be in the excess of 5 percent of the par value of the other securities of Applicant, and therefore, will not be exempt by virtue of section 204(e) from the requirements of section 204(a) of the Act.

(4) Applicant is not organized and operating in a State under the laws of which the issue here involved is regulated by a state commission within the meaning of section 204(f) of the Act, and the proposed issuance is, therefore, not exempt by virtue of that Section from the requirements of section 204 of the Act.

(5) The proposed issuance of short-term notes to commercial banks and commercial paper dealers will be exempt from the competitive bidding requirements of § 34.1 of the Commission's regulations under the Federal Power Act by reason of paragraph 34.1(a)(2).

(6) The proposed issuance of securities as hereinafter authorized, will be for a lawful object within the corporate purposes of Applicant and compatible with the public interest, which is appropriate for and consistent with the proper performance of service by Applicant as a public utility, and which will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purposes.

(7) The period of public notice given in this matter is reasonable.

(8) Intervention by the above-mentioned Petitioners may be in the public interest for purposes of Commission consideration of their petition.

(9) Matters of certain activities alleged in the filed protest and petition to intervene by the Cities of Lafayette and Plaquemine, Louisiana, raise issues which should be heard in the proceeding separate from this docket.

(10) The protest and petitions to intervene filed in this Docket by the Cities of Lafayette and Plaquemine, Louisiana should be considered as a complaint filed under Section 306 of the Federal Power Act.

(11) The protest and petitions to intervene filed in this Docket by Lafayette and Plaquemine, Louisiana raise issues similar to those being considered in Docket No. E–7676, a complaint proceeding now before the Commission, and it is therefore appropriate that the complaints filed in this Docket should be consolidated with Docket No. E–7676 for purposes of hearing and decision.

The Commission orders:

(A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the Rules and Regulations of the Commission. *Provided, however,* The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The proposed issuance of short-term notes to commercial banks and commercial paper dealers in the aggregate principal amount of $125,000,000 outstanding at any one time, upon the terms and conditions and confined to the purposes set forth in the application, all as described above, is hereby authorized subject to the provisions of this order.

(C) This authorization is expressly conditioned upon, but not necessarily limited to the following terms:

(i) The aggregate principal amount of all notes outstanding at any one time will not exceed $125,000,000.

(ii) All notes are to be issued not earlier than December 31, 1973, and have a final maturity date of not later than December 31, 1975.

(iii) The aggregate principal amount of commercial paper will not exceed 25% of the Applicant's most recent twelve-months' revenues from the sale of electricity, gas and steam products.

(iv) Notes issued to commercial banks will have maturity dates of not more than one year from the date of issue, and notes issued in the form of commercial paper will have maturity dates of not more than nine months from the date of issue.

(D) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any other matter what-

soever now pending or which may come before this Commission.

(E) Nothing in this order shall be construed to imply any guaranty or obligation on the part of the United States in respect to any security to which this order relates.

(F) Pursuant to the authority of the Federal Power Act, particularly sections 202, 306, and 307 thereof in the Commission's Rules of Practice and Procedure, an investigation is hereby instituted to determine the justification of the Protest and Petitions to Intervene by the Cities of Lafayette and Plaquemine, Louisiana and, if necessary, to prescribe such relief as is appropriate within the boundaries of the Federal Power Act.

(G) All further proceedings in this docket shall be consolidated with the Complaint proceeding previously instituted in Docket No. E–7676.

(H) Inasmuch as Louisiana Power and Light Company and Central Louisiana Electric Company as well as Gulf States Utilities Company were named as parties in Docket No. E–7676, with which this proceeding will be consolidated, a copy of the Cities complaint shall be served on Louisiana Power and Light Company and Central Louisiana Electric Company and their response thereto shall be filed with the Commission within 15 days from the date of issuance of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–633 Filed 1–7–74;8:45 am]

[Docket No. RI74–79]

HIGH CREST OILS, INC.

Setting Date for Hearing and Time Limit for Seeking Intervention

DECEMBER 27, 1973.

The above-named Applicant filed on November 8, 1973, a proposed increase in rate from 22.795¢ per Mcf to 43.83¢ per Mcf, designated as Supplement No. 4 to its FPC Gas Rate Schedule No. 1.[1]

In support of its proposal, Applicant states that it has agreed to drill 75 wells on dedicated acreage in the Tiger Ridge-Bullhook area during the next three years. The agreement also provides for the drilling of 30 additional wells in the Sherard area under another contract not involved herein. In addition, the agreement provides for the commitment to Northern of all newly discovered reserves in a four-county area discovered prior to December 31, 1976, which represents an 18 to 24 month extension over the original contract. No estimate is given as to the anticipated additional volumes which may be made available. Applicant states that the drilling program contemplated is of such dimension and cost as to require that they know in advance that the price increase offered by Northern will actually be received and collected without refund obligation.

[1] By separate order the proposed rate was suspended until May 9, 1974.

In view of the magnitude of the drilling program proposed we have decided to set this matter for immediate hearing to provide High Crest (Applicant) an opportunity to justify, on a formal record, its proposal herein.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for a formal hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, 15 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I) a public hearing on the issues presented by the applications herein shall be held commencing February 2, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(C) High Crest and all intervenors supporting its petition shall file their direct testimony and evidence on or before January 11, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(D) The Commission Staff and all intervenors opposing the petition shall file their direct testimony and evidence on or before January 28, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to this proceeding.

(E) All rebuttal testimony and evidence by High Crest and all intervenors supporting its petition shall be served on or before February 8, 1974. Such testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to this proceeding.

(F) Notices of intervention or petitions seeking leave to intervene in this proceeding shall be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure, 18 CFR 1.8 and 1.37(f), on or before January 7, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–632 Filed 1–7–74;8:45 am]

[Docket No. RP74–44]

OKLAHOMA NATURAL GAS GATHERING CORP.

Application for Change in Rates

DECEMBER 21, 1973.

Take notice that on December 3, 1973 the Oklahoma Natural Gas Gathering Corporation (Gathering Corporation) tendered for filing an application for a change in rates, FPC Gas Rate Schedule No. 1 as supplemented and PGA–1, involving sales to Cities Service Gas Company (Cities Service) and to Oklahoma Natural Gas Company (Oklahoma Natural) of natural gas purchased by Gathering Corporation from producers in the Ringwood Field, Major County, Oklahoma. Gathering Corporation states that the proposed rate change is filed to compensate a deficiency resulting from the sale of lower volumes of gas than had been anticipated in its prior rate filings, Docket No. RP72–115.

Upon approval of the rate increase, the company estimates the sale price per Mcf at 14.73 p.s.i.a. shall be 23.50 cents. Gathering Corporation requests that the changes in rates be permitted to be put into effect on January 1, 1974. It also states that a copy of the proposed change has been mailed to Cities Service and Oklahoma Natural.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–631 Filed 1–7–74;8:45 am]

[Docket No. RP74–39–3]

TEXAS EASTERN TRANSMISSION CORP.

Granting Intervention, Providing for Hearing and Establishing Procedures

DECEMBER 28, 1973.

On November 21, 1973, Carnegie Natural Gas Company (Carnegie) filed a petition for emergency relief pursuant to § 1.7 of the Commission's rules of practice and procedure, requesting the Commission to order that the curtailment plan of Carnegie's sole supplier of natural gas Texas Eastern Transmission Corporation (TETCO or Texas Eastern) be suspended as it applied to Carnegie. Specifically, Carnegie requested that it not be curtailed below last year's level of 45,240 Mcf per day.

Public notice of Carnegie's petition was issued on November 29, 1973, with protests and petitions to intervene due on December 11, 1973. On November 30, 1973, the Commission issued an order temporarily granting Carnegie's petition pending the receipt of protests or petitions to intervene.

Petitions to intervene were received from the following parties:

General Motors Corp.	Dec. 6, 1973.
Algonquin Gas Transmission Corp.	Dec. 11, 1973.
Boston Gas et al.	Do.
Arkansas-Missouri Piwer Co. and Associated Natural Gas Company.	Do.
Consolidated Edison Co. of New York.	Do.
Central Illinois Public Service Co.	Do.
Columbia Gas Transmission Corp.	Do.
GTE Sylvania Inc.	Do.
Mississippi Valley Gas Co.	Do.
Public Service Electric and Gas Co.	Do.
Texas Eastern Transmission Corp.	Dec. 14, 1973.

The Public Service Commission of the State of New York filed a Notice of intervention on December 10, 1973. Arkansas-Missouri, Central Illinois Public Service and Mississippi Valley have requested formal hearing.

The Commission finds:

(1) Good cause exists to set the proceedings in Docket No. RP74-39-3 for formal hearing.

(2) The participation of each party which has petitioned to intervene in these proceedings may be in the public interest.

(3) The participation of Texas Eastern Transmission Corporation, which was filed out of time will neither hinder nor delay the conduct of these proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on January 16, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the Carnegie petition.

(B) On or before January 9, 1974, petitioner and all parties supporting or opposing petitioner's request shall serve with the Commission and upon all other parties including Commission Staff to the proceeding their testimony and exhibits in support of their position.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Each party which has petitioned to intervene in this proceeding is hereby permitted to intervene, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: And *provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-630 Filed 1-7-74;8:45 am]

[Docket No. E-8517]

CENTRAL ILLINOIS PUBLIC SERVICE CO.

Notice of Change in Service Agreement

DECEMBER 28, 1973.

Central Illinois Public Service Company (CIPSCO) on November 28, 1973, tendered for filing an Agreement entered into with its currently served wholesale electric customer, City of Newton, Illinois, dated October 29, 1973. The Agreement provides for the purchase of firm power to be delivered through a second delivery point, referring to an existing service agreement dated March 2, 1965 which is designated as CIPSCO's FPC Rate Schedule No. 39. The new Agreement would become effective, under its terms when energy is first delivered thereunder subject to regulatory approval, estimated to be on or about April 1, 1974.

CIPSCO states that no data is presently available to determine sales and revenue at Newton's second delivery point, but that the rate charges at that point would be identical to those contained in agreements presently on file with the Commission, designated as CIPSCO's FPC Rate Schedule Nos. 39, 40, 41, 42, 43 and 63. CIPSCO requests that the Agreement be "permitted to become effective 30 days after filing" to facilitate commencement of engineering, purchase of equipment and construction. (Commission regulations under Federal Power Act, § 35.3(b) notice requirements).

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-616 Filed 1-7-74;8:45 am]

[Docket No. CI74-163]

CITIES SERVICE OIL CO.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedure

DECEMBER 28, 1973.

On September 4, 1973, Cities Service Oil Company (Cities) filed in Docket No. CI74-163 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Transwestern Pipeline Company (Transwestern) from acreage in Eddy County, New Mexico (Permian Basin).

Specifically, Cities proposes to sell to Transwestern approximately 275,000 Mcf of gas per month at 52.0¢ per million B.t.u. until August 13, 1974, and 54.0¢ per million B.t.u. thereafter. This rate is subject to upward and downward adjustment from 1,000 B.t.u.'s per cubic foot. The gas is to be delivered from Burton Flats Well Nos. 1, 2, and 3, Sections 2 and 3, 21S-27E. Eddy County, New Mexico. The term of the contract is for 22 months from October 12, 1973. Buyer further would be obligated to reimburse Cities for ⅞ of any increased or additional tax. The proposed price is in excess of the area base rate of 35¢ per Mcf established by Order No. 662.

Cities began an emergency sale to Transwestern on October 17, 1973 under authority of Order No. 418.

Petitions to intervene were filed by Pacific Lighting Service Company and Southern California Gas Company on September 21, 1973, and by Transwestern on September 24, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Transwestern's system. See Continental Oil Co., FPC, Docket No. CI73-742, issued June 8, 1973. We, therefore, conclude that there is an emergency on Transwestern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of the above named parties in this proceeding may be in the public interest.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-163 is hereby set for hearing.

(B) The above named parties are hereby permitted to intervene in this proceeding, subject to the rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said

petitions to intervene: *And provided further*, That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 23, 1974 at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before January 15, 1974, Cities and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-624 Filed 1-7-74;8:45 am]

[Docket No. G-6342]

CONTINENTAL OIL CO.

Notice of Application

DECEMBER 28, 1973.

Take notice that on December 7, 1973, Continental Oil Company (Applicant), P.O. Box 2197, Houston, Texas 77001, filed in Docket No. G-6342 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Warren Petroleum Corporation (Warren) from wells in Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon casinghead gas sales to Warren, which heretofore have been made under a percentage-type contract, because the New Mexico State Oil Conservation Commission has reclassified the subject wells from oil wells to gas wells. Applicant states that as gas-well gas, the subject reserves are dedicated to El Paso Natural Gas Company (El Paso) and as casinghead gas the subject reserves are dedicated to Warren. If the proposed abandonment authorization is granted, Applicant proposes to sell such gas to El Paso at 17.9022813 cents per Mcf at 15.025 psia pursuant to its Rate Schedule No. 85.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-623 Filed 1-7-74;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Proposed Changes in Power Supply Agreement

DECEMBER 28, 1973.

On November 30, 1973, Delmarva Power and Light Company, a Delaware Corporation (Delmarva), and its two wholly owned subsidiaries, Delmarva Power and Light Company of Maryland (Maryland) and Delmarva Power and Light Company of Virginia (Virginia) tendered for filing proposed changes in the intercompany Power Supply Agreement.[1] The Agreement provides for a self-adjusting cost of service and is designed to allocate among the three companies the fixed charges and variable costs of generation and power supply transmission and production materials and supplies for the integrated system. The proposed changes will increase the rate of return on fixed charges to 9 percent. Delmarva claims that the proposed changes will reduce Delaware production expenses by $1,102,906 and increase Maryland production expenses by $887,760 and Virginia production expenses by $215,146 on 1973 figures. The Company claims further that there is no change in aggregate power supply costs or revenues. Delmarva requests that the Agreement be given an effective date of January 1, 1974.

Our review of Delmarva's proposed agreement indicates that there are certain issues raised which may require development in an evidentiary hearing. The proposed agreement and rate schedules have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful. Accordingly, the proposed Agreement and rate schedules shall be accepted for filing, suspended for a period of one day, subject to refund, and set for hearing.

Notice of Delmarva's filing was issued on December 12, 1973, providing for the filing of comments or petitions to intervene on or before December 18, 1973. A notice of intervention was filed by the Public Service Commission of Maryland.

The Commission finds:

It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of Delmarva's proposed contract amendment, and that such amendment be suspended as hereinafter provided.

The Commission orders:

(A) Pursuant to authority of the Federal Power Act particularly sections 205, 308 and 309 thereof, the Commission's rules and regulations (18 CFR, Chapter I), a prehearing conference shall be held on March 27, 1974, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. A hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates, charges and terms and conditions in Delmarva's proposed Agreement shall be held commencing on April 16, 1974, at 10:00 a.m., e.s.t.

(B) At the prehearing conference on March 27, 1974, Delmarva's prepared testimony together with its entire filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(C) On or before March 20, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before April 2, 1974. Any rebuttal evidence by Delmarva shall be served on or before April 9, 1974.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

[1] See Attachment for Designations and Descriptions.

(E) Pending a hearing and a decision thereon, the proposed agreement and rate schedule are accepted for filing and suspended for one day and the use thereof deferred until January 2, 1974.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

ATTACHMENT

RATE SCHEDULE DESIGNATIONS

Dated: November 29, 1973

Filed: November 30, 1973

Designation	*Instrument*
(1) Delmarva Power & Light Company of Maryland, Supplement No. 3 to Rate Schedule FPC No. 10.	Second Supplemental Power Supply Agreement.
(2) Delmarva Power & Light Company, Supplement No. 3 to Rate Schedule FPC No. 33 (Concurs in (1) above).	Certificate of Concurrence.
(3) Delmarva Power & Light Company of Virginia, Supplement No. 3 to Rate Schedule FPC No. 5 (Concurs in (1) above).	Do.

[FR Doc.74-620 Filed 1-7-74;8:45 am]

[Docket No. E-8549]

DUKE POWER CO.

Notice of Compliance Filing

DECEMBER 28, 1973.

Take notice that Duke Power Company (Duke) on December 12, 1973, tendered for filing a supplement to the Company's Electric Power Contract with York Electric Cooperative Inc., designated Rate Schedule FPC No. 146. The supplement provides for the addition of a new delivery point made at the request of the customer. The effective date is January 23, 1974. According to the Company, service has been made on the City of York, South Carolina.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-615 Filed 1-7-74;8:45 am]

[Docket Nos. CP73-258 etc.]

EL PASO EASTERN CO. ET AL.

Order Granting Procedural Motion, Severing Proceeding, and Consolidating Proceedings

DECEMBER 28, 1973.

El Paso Eastern Co., et al. Docket Nos. CP73-258, et al. Consolidated System LNG Co. Docket Nos. CP71-290, CP73-283.

By Opinion No. 622-A, issued October 5, 1972, in Columbia LNG Corporation et al., Docket Nos. CP71-68 et al., we set a portion of those consolidated proceedings entitled Consolidated System LNG Company (Consolidated LNG), Docket No. CP71-290, for formal hearing, to address evidence concerning the proposed route or routes of the pipeline proposed in that docket to be constructed between Loudoun County, Virginia and Leidy, Pennsylvania (the Loudoun-Leidy line). Due, inter alia, to repeated requests for extensions of time, no hearings have yet been convened in that case.

On April 19, 1973, Consolidated LNG filed in Docket No. CP73-283 an application seeking authorization to construct and operate an additional compressor station on the Loudoun-Leidy line to be located in Loudoun County, Virginia. That application has been consolidated for purposes of hearing and decision in the proceedings entitled El Paso Eastern Company, et al., Docket No. CP73-258 et al., which consolidated proceeding is now in hearing.

On November 14, 1973, the Environmental Conservation Committee of Loudoun (ECCOL) filed a motion requesting that the issue in Docket No. CP73-283 concerning the location of the compressor station in Loudoun County, Virginia, be severed from the consolidated El Paso Eastern Company et al., proceedings, and instead be consolidated with the Docket No. CP71-290 proceeding for purposes of hearing and decision. In support of its motion, ECCOL cites the obvious interdependence between the location of the compressor site and the route selection for the Loudoun-Leidy line. We agree and therefore will consolidate those proceedings for hearing and decision.

The Commission finds:

(1) It is necessary, appropriate, and in the public interest to consider the issue of site location of the compressor proposed in Docket No. CP73-283 in conjunction with the issue of alternate routes of the Loudoun-Leidy pipeline in Docket No. CP71-290, and therefore the motion for consolidation of the proceedings involving the issues discussed above should be granted as hereinafter ordered.

(2) Good cause exists to sever the issue concerning the compressor station location in Loudoun County, Virginia, which is involved in the Docket No. CP73-283 proceeding, from the consolidated proceeding entitled El Paso Eastern Company et al., Docket Nos. CP73-258 et al., and to consolidate that severed issue with the Docket No. CP71-290 proceeding for purposes of hearing and decision.

The Commission orders:

(A) The motion filed by ECCOL on November 14, 1973, is hereby granted as hereinafter ordered.

(B) The issue of site location for the proposed construction of the compressor station in Loudoun County, Virginia, which is involved in the Docket No. CP73-283 proceeding, is hereby severed from the consolidated proceeding entitled El Paso Eastern Company et al., Docket Nos. CP73-258 et al.

(C) The issue severed in Ordering Paragraph (B) above is hereby consolidated with the proceeding entitled Consolidated System LNG Company, Docket No. CP71-290, for purposes of hearing and decision.

(D) In all other respects, the orders issued in Docket Nos. CP73-258 et al. remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-625 Filed 1-7-74;8:45 am]

[Project No. 2354]

GEORGIA POWER CO.

Notice of Application for Change in Land Rights

DECEMBER 28, 1973.

Public notice is hereby given that application was filed September 3, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, 270 Peachtree Street, P.O. Box 4545, Atlanta, Georgia 30302) for change in land rights for the Lake Burton Development of its constructed Project No. 2354, known as the North Georgia Project, located on the Tallulah and Tugalo Rivers, in Rabun, Habersham, and Stephens Counties, Georgia, and Oconee County, South Carolina. The project affects navigable waters of the United States.

Georgia Power Company, Licensee for the North Georgia Project No. 2354, seeks Commission approval of the issuance of a right-of-way deed to the State of Georgia, Department of Transportation, for the purpose of constructing a bridge across the backwaters of the Lake Burton Development.

According to the application, the proposed bridge would replace an existing bridge built in 1921 and now deemed to be substandard and unsafe by the State. The old bridge would be left in place and serve as a detour during construction of the new bridge.

The new bridge would be constituted of concrete and steel and measure 502 feet in length, 42.6 feet in width, and 30.95 feet in elevation above the normal full pool elevation of Lake Burton. The length of the portion within the project boundary of Project No. 2354 would be 460 feet.

The existing bridge conveys U.S. Highway No. 76 and State Route No. 2 across the Tallulah River in Rabun County, and is located between the Cities of Clayton and Hiawasee, Georgia.

Any person desiring to be heard or to make protest with reference to said application should on or before February 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-617 Filed 1-7-74;8:45 am]

[Docket No. CI74-127]

MIDWEST OIL CORP.

Notice of Extension of Time

DECEMBER 28, 1973.

On December 17, 1973, an order was issued fixing a hearing in the above matter. On December 27, 1973, a motion was filed by Midwest Oil Corporation for an extension of time to file its testimony.

Upon consideration, notice is hereby given that the time is extended to and including January 7, 1974, within which testimony and exhibits may be filed as required by the order issued December 17, 1973. The hearing will be held as scheduled on January 11, 1974, at 10:00 a.m. in a Hearing Room of the Federal Power Commission at 825 North Capitol Street, NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-629 Filed 1-7-74;8:45 am]

[Docket Nos. 8251, etc.]

NEW ENGLAND POWER CO.

Proposed Rate Schedule Amendment

DECEMBER 28, 1973.

On November 1, 1973, New England Power Company (NEPCO) filed in Docket No. E-8476 an amendment to NEPCO's contract for primary service for resale to its affiliate, Narragansett Electric Company (Narragansett).[1] Narragansett's concurrence in the amendment was included in NEPCO's filing.[2]

The proposed amendment provides for an increase in the credits allowed to Narragansett for the integration of its generation and transmission facilities into the NEPCO system. The proposed changes would increase by $2,176,900 annually the fixed credits allowed Narragansett on its purchased power billing by NEPCO, based on the 12 month period ending December 31, 1974. The proposed effective date of the amendment is January 1, 1974.

Notice of NEPCO's filing was issued on November 28, 1973, providing for protests or petitions to intervene to be filed on or before December 12, 1973. In response to the notice a timely petition to intervene was filed by the Rhode Island Consumer's Council alleging that the proposed changes would have a direct effect upon Rhode Island consumers. The Consumer's Council is a state agency charged by law with the responsibility of appearing before federal, state and local Commissions on matters affecting consumers.

Our review of NEPCO's filing indicates the issues raised therein require development in an evidentiary hearing. The proposed credits to Narragansett have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, the proposed contract amendment will be suspended and set for hearing.

It is noted that NEPCO has previously submitted a proposed amendment to its contract with Narragansett (Docket No. E-8169) which contained substantially the same issues of law and fact as are present in this proceeding. In our order of July 30, 1973 in New England Power Company, Docket Nos. E-8251 and E-8169 we consolidated that earlier filing with NEPCO's wholesale rate proceeding. In view of the fact that certain issues of law and fact in this proceeding are substantially the same as those in Docket Nos. E-8251 and E-8169, we shall order consolidation of the three Dockets for purposes of hearing and decision.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act, that the Commission enter upon a hearing concerning the lawfulness of NEPCO's proposed contract amendment, and that such amendment be suspended as hereinafter provided.

(2) Good cause exists to consolidate the proceedings at Docket Nos. E-8251 and E-8169 with those in E-8476.

(3) Good cause exists to grant the petition to intervene mentioned above.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act, including sections 205, 308 and 309 thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act, a public hearing shall be held concerning the lawfulness of the rates, charges, classifications, and services contained in NEPCO's filing.

(B) The proceedings in New England Power Company, Docket Nos. E-8251 and E-8169, and E-8476 are hereby consolidated for purposes of hearing and decision and are to follow the procedures and procedural dates set in Docket Nos. E-8251 and E-8169.

(C) Pending such hearing and decision thereon, NEPCO's proposed amendment of its contract with Narragansett is hereby accepted for filing, suspended for one day, and the use thereof deferred until January 2, 1974.

(D) The Rhode Island Consumers' Council is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: Provided, however, that the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and Provided, further, that the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order issued by the Commission in this proceeding.

(E) The Secretary shall order prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-626 Filed 1-7-74;8:45 am]

[Project No. 2071]

PACIFIC POWER & LIGHT CO.

Application for Approval of Change in Land Rights and Revision of Exhibits F and K

DECEMBER 28, 1973.

Public notice is hereby given that application was filed May 8, 1972, and supplemented September 17, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Power & Light Company (Licensee) (Correspondence to: Mr. George L. Beard, Vice President, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204) for approval of change in land rights and revision of Exhibits F and K for its constructed Project No. 2071, known as the Yale Project, located on the Lewis River, in the Yale Reservoir, in Clark and Cowlitz Counties, Washington. The particular lands involved are wholly within Cowlitz County. The project affects lands and navigable waters of the United States.

According to the application, Licensee has acquired approximately 39.67 acres of land in the vicinity of Speelyai Diversion Dam from the State of Washington (State), 21.82 acres of which are within Project Boundaries. Licensee says that acquisition of fee interest in the above lands improves its ability to manage the Speelyai Diversion Dam effectively.

In exchange for the above lands, Licensee has conveyed approximately 55 acres of non-project land in the NE¼ NE¼, S.29 and the SE¼SE¼, S.20, T. 6 N, R. 4 E., W.M. to the State. Licensee says that this property conveyed is adjacent to land already owned by the State, providing State with fee ownership of contiguous parcels of land abutting on the Project Boundary thereby increasing

[1] New England Power Company Fourth Revised Sheet No. 21 Rate Schedule FPC No. 161 (Supersedes, Third Revised Sheet No. 21).

[2] Narragansett Electric Company Supplement No. 7 to Rate Schedule FPC No. 21 (Concurs in (1) above and supersedes Supplement No. 6).

the recreational development potential of State properties.

Any person desiring to be heard or to make protest with reference to said application should on or before February 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-618 Filed 1-7-74;8:45 am]

[Docket Nos. RP73-113 and RP73-114]

TENNESSEE GAS PIPELINE CO.

Order Accepting Revised Tariff Sheets for Filing

DECEMBER 28, 1973.

On November 30, 1973, Tennessee Gas Pipeline Company filed in Docket No. RP73-113 certain revised tariff sheets in Sixth Revised Volume No. 2 of its FPC Gas Tariff.[1] The proposed sheets are in substitution for certain previously filed sheets which were suspended by the Commission on August 1, 1973, in Docket No. RP73-113 and which are due to go into effect on January 1, 1974.

The Commission's August 1, 1973, order required that Tennessee file appropriate substitute rates to reflect the elimination of any facilities which were not certificated and placed in service on or before January 1, 1974. The subject revised tariff sheets reflect the elimination or facilities which remain uncertificated.

Tennessee also filed herein certain revised tariff sheets to its FPC Gas Tariff, Ninth Revised Volume No. 1.[2] The proposed sheets are in substitution for similar sheets previously filed on November 16, 1973, in Docket No. RP73-114. The reasons for the filing of the above substitute tariff sheets are as follows. Simultaneously with the filing of its general rate increase application in Docket No. RP73-113 on June 15, 1973, Tennessee also filed in Docket No. RP73-114 a proposed PGA Clause in Article XXIII of the general terms and conditions of its FPC Gas Tariff, Ninth Revised Volume No. 1. This PGA clause was approved by the Commission on September 28, 1973. Tennessee stated in its filing in Docket No. RP73-113 that if its PGA provision became effective prior to the effective date of the rate increase in Docket No. RP73-113, Tennessee would file revised tariff sheets in that docket to (1) conform such sheets to the PGA tariff sheets, and (2) revise the increased rates filed in Docket No. RP73-113 to reflect, in lieu of the average cost of gas included in the original filing in Docket No. RP73-113, the current average cost of gas then reflected in Tennessee's rate pursuant to the PGA provision. On November 16, 1973, pursuant to the provisions of Article XXIII, Tennessee filed a PGA rate increase to be effective January 1, 1974, reflecting a current average cost of purchased gas of 23.59 cents per Mcf under section 2 of Article XXIII and a surcharge of .13 cents per Mcf under section 3. Tennessee proposes to incorporate as a part of the rate increase in Docket No. RP73-113, the PGA rate increase previously filed on November 16, 1973, in Docket No. RP73-114, as follows: (1) tariff sheets 12A and 12B are revised to conform to the form of the tariff sheets approved by the Commission in Docket No. RP73-114; (2) the Base Tariff Rates on the tariff sheets are based on a cost of service reflecting, in lieu of the average cost of gas included in the original filing of 22.96 cents per Mcf, the current average cost of purchased gas of 23.59 cents per Mcf reflected in Tennessee's PGA filing of November 16, 1973, in Docket No. RP73-114; and (3) the revised sheets reflect the .13 cents per Mcf surcharge contained in the November 16, 1973, filing in Docket No. RP73-114. Incorporation of the PGA rate changes into the proposed revised tariff sheets is reasonable under the circumstances and is approved.

In addition to the revised tariff sheets discussed above, Tennessee also filed herein seventh revised sheet No. 57 to ninth revised volume No. 1 of its Tariff. The sole change made on this sheet is to change the reference to a specific rate for the "Return Gas Charge" in section 5 of Rate Schedule SS-NE to a reference to the appropriate rate shown on Sheet No. 12A to properly reflect the change in tariff form approved by the Commission's order of September 28, 1973, accepting Tennessee's PGA clause in Docket No. RP73-114. Tennessee requests that revised sheet 57 also be made effective on January 1, 1974.

The proposed substitute tariff sheets submitted herein by Tennessee will result in an increase in the overall level of Tennessee's revenues from jurisdictional sales and service of $156,315,999 annually, as compared with an increase of $164,991,223 which would have resulted from Tennessee's prior filings in Docket Nos. RP73-113 and RP73-114.

Based on our review of the record in this matter, we find that the revised tariff sheets tendered herein for filing by Tennessee are consistent with our prior order of August 1, 1973, in Docket No. RP73-113, and are otherwise reasonable and proper. They will accordingly be accepted for filing and permitted to become effective in lieu of the respective sheets previously filed in Docket Nos. RP73-113 and RP73-114.

The Commission orders:

(A) The revised tariff sheets filed herein by Tennessee on November 30, 1973, are accepted for filing and permitted to become effective on January 1, 1974, subject to refund, in lieu of the respective tariff sheets heretofore filed in Docket Nos. RP73-113 and RP73-114.

(B) For good cause shown, § 154.66(b) of the Commission's regulations under the Natural Gas Act is waived to permit Tennessee's substitute tariff sheets to be filed and to become effective as ordered above.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-628 Filed 1-7-74;8:45 am]

[Docket No. RP74-39-1]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Interventions, Providing for Hearing, and Establishing Procedures

DECEMBER 28, 1973.

On November 9, 1973, the City of Cairo, Illinois (Cairo) filed a petition for emergency relief pursuant to Section 1.7 of the Commission's rules of practice and procedure. Cairo requests that the Commission order Texas Eastern Transmission Corporation (Texas Eastern) to sell Cairo volumes of gas in excess of Cairo's maximum daily contract quantity without levying upon Cairo overrun penalties.

Public Notice of Cairo's petition was issued on December 3, 1973, with protests or petitions to intervene due on December 12, 1973. On December 26, 1973, the Commission issued an order temporarily granting Cairo's petition pending receipt of protests and petitions to intervene.

Petitions to intervene were received from the following parties:

Columbia Gas Transmission Corp.	Dec. 10, 1973.
General Motors Corp	Dec. 11. 1973.
Algonquin Gas Transmission Corp	Dec. 12, 1973.
Central Illinois Public Service Co	Dec. 12, 1973.
Texas Eastern Transmission Corp.	Dec. 14, 1973.

The Commission finds:

(1) Good cause exists to set the proceedings in Docket No. RP74-39-1 for formal hearing, and to establish procedures for that hearing.

(2) The participation of each party which has petitioned to intervene may be in the public interest.

(3) The participation of Texas Eastern Transmission Corporation, which filed out of time, will neither hinder nor delay the conduct of these proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 17, 1974, at 10:00 a.m. in a hearing room

---

[1] Substitute First Revised Sheet Nos. 53, 54, 77, 78, and 141, and Substitute Fourth Revised Sheet Nos. 11, 12, 27, 28, 44, and 45 to Sixth Revised Volume No. 2.

[2] Substitute Second Revised Sheet Nos. 12A and 12B.

of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning Cairo's petition.

(B) On or before January 10, 1974, petitioner and all parties supporting or opposing petitioner's request shall serve with the Commission and upon all other parties including Commission Staff to the proceeding their testimony and exhibits in support of their position.

(C) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose, shall preside at the hearing in this consolidated proceeding and shall prescribe relevant procedural matters not herein provided.

(D) Each party which has petitioned to intervene in this proceeding is hereby permitted to intervene subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-621 Filed 1-7-74;8:45 am]

[Docket No. RP74-48]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Proposed Changes in FPC Gas Tariff

DECEMBER 28, 1973.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), on December 17, 1973, tendered for filing proposed changes in its FPC Gas Tariff, first revised volume No. 1 and original volume No. 2. The proposed changes would increase revenues from jurisdictional sales and service by $51,300,000 based on the 12 month period ending August 31, 1973, as adjusted. Transco requests a February 1, 1974 effective date.

Transco states that the principal reasons for the proposed increase are: (1) Increase in unit cost of operation of the pipeline system due to a declining gas supply; (2) increase to a composite rate of 5.0% for depreciating existing facilities; (3) a change from flow through accounting to normalized accounting for accelerated depreciation; and (4) increase in rate of return to 9.5% in order to compensate for the higher cost of capital to the company and to maintain the company's credit rating.

Additionally, Transco states that the proposed changes include pro forma tariff sheets which would permit Transco to reflect immediately in its GSS and S-2 storage rates any changes in the GSS rate of Consolidated Gas Supply Corporation or the X-28 rate of Texas Eastern Transmission Corporation respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-614 Filed 1-7-74;8:45 am]

[Docket No. CP71-166]

UNITED GAS PIPE LINE CO. AND SOUTHERN NATURAL GAS CO.

Notice of Petition To Amend

DECEMBER 28, 1973.

Take notice that on November 26, 1973, United Gas Pipe Line Company, 1500 Southwest Tower, Houston, Texas 77002, and Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP71-166 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act in said docket on May 3, 1971 (45 FPC 629), as amended, by authorizing the further exchange of natural gas in interstate commerce between Applicants to include the use of two new exchange points related thereto, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized in the order of May 3, 1971, to exchange natural gas at three existing points of interconnection and to construct and operate a fourth such point. The petition states that by letter agreements dated June 18, 1973 and October 22, 1973, Petitioners have amended their original exchange agreement dated September 10, 1970, to allow for the further exchange of natural gas and the use of two new exchange points therein, designated the ARCO and the Vicksburg delivery points.

Petitioners state that under the terms of said letter agreement dated June 18, 1973, Southern will cause to be delivered to United up to 15,000 Mcf per day of natural gas exchange volumes from the Atlantic Richfield Company (ARCO) at United's existing point of interconnection at the tailgate of ARCO's Bayou Sale Gasoline Plant in St. Mary Parish, Louisiana (the ARCO delivery point). United will return such exchange volumes to Southern at any mutually agreeable existing authorized point of exchange under the September 10, 1970 agreement, as amended.

Petitioners state further that an emergency tap and miscellaneous metering facilities were installed near the City of Vicksburg, Mississippi (Vicksburg delivery point) by Southern during that city's flooding in April of 1973 to safeguard service to the city by providing for a connection outside the flooded area. As described in the letter agreement dated October 22, 1973, Petitioners seek authorization to make these facilities a permanent interconnection for their use by United during periods of emergency in making deliveries to Southern. The petition states that such volumes of gas received by Southern will be returned to United at existing points of exchange or by Southern reducing takes of gas under its gas purchase contract with United.

The petition states that the tap and miscellaneous facilities proposed for authorization herein were installed at a cost of $13,320.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-627 Filed 1-7-74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANKS OF FLORIDA, INC.

Order Approving Formation of Bank Holding Company

American Banks of Florida, Inc., Jacksonville, Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of American National Bank of Jacksonville, American Beach Boulevard Bank, American Arlington Bank, and American Mandarin Bank, a proposed new bank, referred to as "Banks" each being located in Jacksonville, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors

set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation formed to acquire the four Banks, three of which are in operation with total deposits of $127.6 million. (Banking data are as of December 31, 1972, reflecting bank holding company formations and acquisitions approved by the Board through November 1, 1973.) Formation of the proposed bank holding company from the previously affiliated group of banks will introduce an additional bank holding company in Florida, having less than 1 percent of deposits held by banks in the state. The effects on statewide concentration will be insignificant.

The four Banks are located in the Jacksonville-Duval County banking market, which includes Orange Park in an adjoining county. Banks presently control 7.81 percent of deposits in this market, and the proposed holding company would become the fourth largest banking organization in the market. Three larger multibank holding companies control 70 percent of market deposits. It is not likely that Applicant will dominate this market, although it will provide an additional competitive element. The three operating banks have been closely affiliated through common officers, directors, shareholders, and operating policies; no significant present competition exists between these proposed subsidiary banks, nor is it likely that they would become competitors in the future. The proposed formation would have no adverse effects on existing or future competition, and would not tend to create a monopoly in the market area.

Applicant's financial condition, management and prospects are largely dependent on the same conditions in the Banks, which are considered to be satisfactory in view of Applicant's commitments to furnish additional capital to two of the Banks. Although the proposed formation would not result in changes in the services offered by the three existing banks, the new bank, to be located on the southern fringe of the market will provide a convenient source of banking service to a neighborhood not presently served by a local bank office. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval. It is this Federal Reserve Bank's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, provided that (c) the proposed new bank shall be opened within six months after the effective date of this order, unless such periods are extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective December 21, 1973.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-548 Filed 1-7-74;8:45 am]

BANKAMERICA CORP.

Order Approving de novo Acquisition of BA Insurance Company, Inc.

BankAmerica Corporation, San Francisco, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of BA Insurance Company, Inc., San Francisco, California ("Company"), a company to be organized de novo to engage in the activities of underwriting and reinsuring credit life and credit accident and health insurance which is directly related to extensions of credit on installment loans by Applicant's affiliates, primarily Bank of America National Trust and Savings Association, San Francisco, California ("Bank"). The Board amended § 225.4 of Regulation Y effective December 11, 1972, to add the activity of "acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system" to the list of activities the Board has determined to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 14887). The time for filing comments and views has expired and none has been timely received.

Applicant, a one-bank holding company, controls the largest bank in the country, Bank, with aggregate deposits of $23.4 billion,[1] representing 36.6 percent of the total deposits in commercial banks in California.[2] Applicant currently has nonbanking subsidiaries engaged principally in computer services, software and leasing activities, investment advisory services, issuance and sale of travelers checks, mortgage banking, and consumer financing.

It is anticipated that Company will be organized with capital of at least $1 million and that its initial activities will be limited to acting as reinsurer of credit life and disability (accident and health) insurance made available in connection with extensions of credit by Applicant and its subsidiaries. Credit life and disability insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

"To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service."

Bank presently makes available credit life and disability insurance at a rate of $1.00 per $100 of initial indebtedness with a 50 cent rate for the credit life insurance and 50 cents for disability insurance. Applicant states, and it appears that under the rules of the California Department of Insurance, Bank's loss experience with disability insurance is such that an increase in the rate charged for disability insurance would be permissible. Applicant does not purport to seek such an increase. In addition, Applicant proposes to provide improved benefits to the consumer by eliminating or modifying certain exclusionary clauses in the policies. Applicant also proposes to offer joint credit life insurance on an optional basis at a rate of 33 cents per $100 of initial indebtedness in those instances where there are co-makers or co-signers of the note issued in connection with the extension of credit.[3]

Although in prior applications to engage in underwriting credit life and disability insurance applicants have generally proposed to lower their rates, such applications did not involve situations where applicants demonstrated that their loss experience would have justified a rate increase. In this instance the Board believes that approval of the application would assist Applicant in continuing to make available credit insurance at rates below those which would be permitted by State law and would increase policy benefits, and is therefore in the public interest. The Board concludes that such benefits outweigh any possible adverse effects of approval of this application.[4]

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance

[1] Excludes foreign deposits of $12 billion.

[2] All banking data are as of December 31, 1972, and reflect holding company formations and acquisitions as of October 31, 1973.

[3] Joint credit life insurance has been found by the Board to be directly related to an extension of credit. (See application of Irwin Union Corporation, Columbus, Indiana, to acquire Irwin Union Credit Insurance Company, Phoenix, Arizona; 38 Federal Register 32009.)

[4] The Board determination herein is limited to credit life and disability insurance offered for sale in California.

of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors or by the Federal Reserve Bank of San Francisco.

By order of the Board of Governors,[5] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-549 Filed 1-7-74;8:45 am]

FIDELITY CORP. OF PENNSYLVANIA

Credit Life and Credit Accident and Health Insurance

Fidelity Corporation of Pennsylvania, Rosemont, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage de novo, through its subsidiary, Master Life Insurance Company ("Master"), in the underwriting, as reinsurer, of credit life and credit accident and health insurance in connection with extensions of credit in Florida by Applicant's subsidiary, Local Finance Company of Florida ("Local"). Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 29841). The time for filing comments and views has expired, and none has been received.

Applicant controls one bank with total deposits of $1.4 billion, representing 3.9 percent of total deposits in commercial banks in Pennsylvania, and that bank is the fifth largest bank in the State. (All banking data are as of June 30, 1973.)

Master was formed under Arizona law. As Master is qualified to underwrite insurance directly only in Arizona, its activities in Florida will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Local. Such insurance will be directly underwritten by an insurer qualified to underwrite in Florida and will thereafter be ceded to Master under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other consumer lenders and is designed to assure repayment of a loan in the event of death or disability of a borrower. Applicant also proposes to underwrite joint credit life insurance. The Board has permitted such insurance to be underwritten by subsidiaries of bank holding companies when both of the insured parties are comakers or co-signers of a note issued in connection with an extension of credit.[1] Applicant will limit its underwriting of joint credit life insurance to such instances.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant states that it will provide single and joint credit life insurance at rates to consumers about 7 percent below the maximum rates authorized by State law, and will eliminate the suicide exclusion from such policies. Applicant will not reduce premium rates for credit accident and health insurance, but will eliminate pre-existing condition and other exclusions from such policies. The Board believes the reduced cost of, and elimination of exclusions from, credit life and credit accident and health insurance is procompetitive and is in the public interest. The Board concludes, therefore, that such public benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under Section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof. This determination is subject to the further condition that the activities described herein shall be commenced not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-550 Filed 1-7-74;8:45 am]

FIDELITY UNION BANCORPORATION

Acquisition of Bank

Fidelity Union Bancorporation, Newark, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Colonial First National Bank, Red Bank, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 25, 1974.

Board of Governors of the Federal Reserve System, December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-551 Filed 1-7-14;8:45 am]

FIRST FINANCIAL CORP.

Order Denying Acquisition of Bank

First Financial Corporation, Tampa, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 90 percent or more of the voting shares of Citizens Bank and Trust Company ("Quincy Bank"), Quincy, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls 15 banks with aggregate deposits of $878.6 million representing about 4.0 percent of deposits in commercial banks in Florida.[1] Acquisi-

[5] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] Application of Irwin Union Corporation to acquire Irwin Union Credit Insurance Company, 38 FEDERAL REGISTER 32009 (November 20, 1973).

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] All banking data are as of June 30, 1973, and represent bank holding company formations and acquisitions approved by the Board through November 30, 1973. The total of banks controlled by Applicant does not include Gadsden State Bank, Chattahoochee, Florida, whose acquisition by Applicant has been approved by the Board as of this date.

tion of Quincy Bank (deposits of $16.9 million) by Applicant would not significantly increase the concentration of banking resources in Florida.

Quincy Bank is the second largest among banks in the relevant banking market, with control of about 32 percent of deposits in commercial banks in the market.[2] Though Applicant is not presently represented in this market, the Board has today approved Applicant's acquisition of the third largest bank in the market, Gadsden State Bank. If the Board also approved the application to acquire Quincy Bank, consummation of both acquisitions would result in Applicant having approximately a 47 percent share of the market and controlling two of the four alternative sources of banking services in the market. The Board considers such concentration of market power through acquisition to be undesirable particularly in view of the fact that the relevant market is not likely to attract future entry in the reasonably foreseeable future. The population of the market has declined over the last ten years, the per capita income is significantly below that in the State as a whole, and the population and deposits per banking office ratios are also lower than Statewide ratios. There is not a reasonable probability of future entry that would lessen the concentration of banking resources in the market that would result from approval of both the application to acquire Quincy Bank and that to acquire Gadsden Bank. Based on the facts of record, the Board concludes that consummation of the transaction herein would have a substantially adverse effect on competition in the market.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval of the application. However, these factors do not outweigh the substantial adverse effects that would result from consummation of this transaction. Applicant's acquisition of Bank would provide Bank with additional capabilities that it might not be able to obtain on its own. However, these considerations are not sufficient to outweigh the substantial adverse effects described above. Moreover, these capabilities could probably be obtained through affiliation of Bank with another banking organization not presently represented in the market. The Board concludes that the proposed transaction is not in the public interest and should be denied.

On the basis of the record, the application is denied.

By order of the Board of Governors,[3] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-552 Filed 1-7-74;8:45 am]

[2] The relevant banking market is approximated by Gadsden County and a small portion of Jackson County, both of which counties are located in the panhandle area of Florida.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

FIRST NATIONAL CITY CORP.

Order Denying Retention of Advance Mortgage Corporation

First National City Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Advance Mortgage Corporation, Southfield, Michigan ("Advance").[1] Advance engages in the origination and placement of 1–4 family residential mortgage loans, loans on apartments and other income-producing properties, and construction loans; Advance also services mortgage loans for institutional investors. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 8193). The time for filing comments and views has expired; and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, a multibank holding company, is the second largest banking organization in New York State, and the third largest nationally. Applicant controls the First National City Bank, New York, New York ("Bank"), and six other commercial banks which, collectively, hold $15.5 billion of domestic deposits,[2] representing 14.1 percent of total deposits in commercial banks in New York State. Applicant's total consolidated assets amount to $34.4 billion; assets of Bank represent 97 percent ($33.5 billion) of this total.[3] During the 5-year period ending December 31, 1972, Applicant's consolidated assets increased by 76 percent, consolidated net income by 96 percent, domestic and foreign deposits by 123 percent, and total equity capital by 21 percent. Although much of this growth is attributable to Bank, Applicant has acquired a number of firms during this period, including six commercial banks and two consumer finance companies. Applicant's nonbanking activities include leasing, factoring, and commercial financing. It appears that Applicant is a well-managed, growing (through both external and internal expansion), profitable, and significant leader in commercial banking and finance in the United States.

Advance was and is a profitable enterprise and one of the nation's major mortgage banking companies. It maintains 32 offices in 11 States and the District of Columbia, and is represented in 20 local markets.[4] However, its competitive influence extends to at least 35 States and the District of Columbia where its loans originate from. In addition, at offices in Chicago, Illinois, and Detroit, Michigan, Advance originated in 1969 (the last full year preceding acquisition) construction loans as well as loans on income-producing property not only in Illinois and Michigan, but also in California, Oklahoma, Texas, Montana, and other distant States. These same offices, in 1971, were brokering long-term loans on income-producing properties located throughout the United States and in Canada.

In 1969 Advance was the fourth largest mortgage company in the United States based upon a servicing volume of approximately $1.2 billion. During that year it originated a total volume of mortgage loans of approximately $282 million, of which $31 million were mortgages on income-producing property, and $22.6 million were construction loans. Also in 1969, Advance warehoused mortgage loans having a total volume of $79.6 million. In 1971, the first full year following subject acquisition, Advance's originations of mortgage loans totalled $450 million. Its servicing volume had increased to $1.5 billion and it was then warehousing mortgage loans totalling $166.8 million. This increased activity elevated Advance to the rank of the third largest mortgage company in the United States. Moreover, based on data provided by Applicant, it appears that Advance enjoys a significant presence in each of the local markets in which it originates loans on 1–4 family residences as well as in the national markets for the origination of construction loans and loans on apartments and other income-producing properties.[5]

Applicant, through its banking subsidiaries, originates 1–4 family residential mortgage loans, primarily in New York State, and construction loans and loans on apartments and other income-

[1] Such shares were purchased by Applicant in July, 1970, and, under the provisions of § 4(a)(2) of the Act, may not be retained beyond December 31, 1980, without Board approval.

[2] Deposit data as of June 30, 1973.

[3] Data as of December 31, 1972.

[4] Such local markets are approximated by the various SMSA's in which Advance's offices are located. The local market concept is useful for analysis of competitive effects with respect to origination of 1–4 family residential mortgage loans. Said concept is not applicable, however, in analysis of competitive effects with respect to origination of construction loans and of loans on apartments and other income-producing property, where relevant markets tend to be nationwide in scope.

[5] It appears, for example, that Advance's volume of originations of 1–4 family residential mortgage loans, in those local markets for which figures are available, is comparable with the volumes enjoyed by those mortgage company competitors of Advance which Applicant lists among Advance's principal competitors; and that such volumes place Advance among the market leaders in most such areas.

producing properties in many parts of the country. Applicant does not service mortgage loans for others; nor does Applicant own a mortgage banking subsidiary other than Advance. At the time of subject acquisition, Bank was Applicant's only commercial banking subsidiary. In 1969, Bank originated $47 million of 1–4 family residential mortgage loans, $13.6 million of construction loans, and $3.1 million of loans on income-producing properties. These figures increased to $54 million, $38.7 million, and $6.3 million, respectively, for 1970, and to $90 million, $144.6 million, and $18.1 million, respectively, for 1971. At the time of the acquisition, Bank originated no 1–4 family residential mortgage loans in areas in which offices of Advance were located; and such is the case at the present time. However, Applicant then originated construction loans and loans on income-producing property on a nationwide basis and continues to do so. Moreover, Applicant reports a substantial volume of business loans outstanding in 16 of the cities in which Advance is presently represented.[6]

At the time of the acquisition, no significant direct competition existed between Applicant and Advance in the origination of 1–4 family residential mortgage loans, since 186 road miles separated Bank from Advance's closest office (Harrisburg, Pennsylvania). However, both Advance and Bank competed in the origination of construction loans and loans on income-producing properties in the national markets for such loans. In 1969, originations by Advance of loans on income-producing property amounted to about 1 percent of the total of such originations by all mortgage companies in the United States. Advance also enjoyed about 1 percent of the nationwide market for construction loans. Bank's loan volume was smaller than Advance's for both kinds of loans in 1969.[7] These percentages, although relatively small, should be read in light of the fact that there are approximately 800 mortgage banking firms in the United States and only one such firm accounts for more than 2 percent of the industry volume. Moreover, it is clear that the subject acquisition did eliminate some direct competition between Applicant and Advance in the orgination of both construction loans and loans on income-producing property. The Board regards such loss of competition as an adverse factor weighing against approval of the application.

Applicant's resources gave it the capability to enter each of the local markets for 1–4 family residential mortgages served by Advance at the time of the acquisition.[8] However, Applicant could have entered such markets either de novo or by acquisition of a firm less substantial in size than Advance. It appears likely that, absent subject acquisition, Applicant would have entered some or all of the local mortgage banking markets served by Applicant either de novo or by the acquisition of a smaller firm. The loss of such probable future competition between a substantial potential entrant and a major competitor in various local markets as well as national markets for certain loans constitutes an adverse effect which weighs against approval of the application.[9]

The 1970 Amendments to the Bank Holding Company Act direct the Board to consider, among possible adverse effects that could arise from the affiliation of a bank holding company with a nonbanking firm, the adverse effect stemming from an undue concentration of resources. This specific adverse effect is of particular concern to the Board in the instant application for, as noted, the acquisition combined the nation's third largest banking organization with the fourth largest mortgage company in the country. The affiliation created a financial organization with an immediate nationwide presence in both commercial banking and mortgage banking. The dangers which Congress feared might arise from an undue concentration of financial resources would appear to be present through the combination of one of the country's largest banking organizations with one of its largest mortgage bankers.

As noted in the Conference Report accompanying the 1970 Amendments, "the dangers of undue concentration of resources include, but are not limited to, specific competitive effects which are themselves relevant factors under the Act."[10] The adverse competitive effects which are of concern to the Board have been previously noted. Another possible danger—though not the only one—arising from an undue concentration of financial resources lies in the potential for abuse of the power to grant credit, and thereby favor a holding company subsidiary over its nonbanking competitors. The record herein indicates that Applicant's loans to Advance increased by 1100 percent between 1970 and 1972, and that such loans greatly exceeded those extended to any of Advance's competitors during the same period. This financial support following the subject acquisition permitted Advance, in no small part, to improve its position significantly within the mortgage banking industry. Consideration of the dangers of undue concentration of resources as may reasonably be found to arise from a consolidation of two financial institutions which, as here, have already achieved significant power in their respective industries, requires the Board to observe the Congressional mandate "to consider all reasonable ramifications of the concentration of resources in fulfilling its responsibilities under section 4."[11] It is the Board's judgment, upon consideration of the entire record, that the dangers which the Congress feared might arise from an undue concentration of resources are present in the instant application and constitute an adverse effect which weighs against approval.

Applicant has made an attempt to meet its burden of establishing public benefits which outweigh the adverse effects noted above. One such public benefit is said to be a substantial increase in the volume of Advance's origination of construction loans on apartment build-

[6] Based on figures provided by Applicant, the total of such loans, as of December 31, 1971, exceeded $883 million. In addition, offices of Advance and of Acceptance Finance Corporation, Applicant's consumer finance subsidiary, coexist in six such cities. Moreover, Bank's San Francisco loan production office, established in 1972, is capable of originating certain mortgage loans that can also be originated by Advance's San Francisco area offices.

[7] Since the acquisition, both Advance and Bank have substantially increased their volume of such loans; and Bank's volume of construction loans, in 1971, actually exceed that of Advance. Between 1969 and 1971, however, Advance accelerated its construction loan volume three times faster than the industry as a whole.

[8] Applicant maintains that Bank and Advance serve different product markets with respect to their originations of 1–4 family residential mortgage loans, since Advance originates primarily FA and VA loans, whereas Bank's originations are, for the most part, conventional. We disagree. Available data indicate that the effective rates (all costs, including the cost of FHA insurance) for conventional and for FHA loans are almost identical, and the fluctuations in such rates tend to coincide. From the borrower's view point, the respective advantages and disadvantages of conventional, FHA and VA loans present competitive alternatives and, accordingly, all such loans should be regarded as reasonable substitutes for one another. This conclusion is confirmed by recent developments within the mortgage banking industry which, in early 1972, began to increase its volume of conventional loan originations by so great a factor that, in February, 1973, total industry originations of conventional loans exceeded all industry originations of either FHA or VA loans.

[9] The Conference Report accompanying the 1970 Amendments, in discussing this factor, states:

"Equally important will be adverse competitive effects which may result from a bank holding company's acquisition of a going concern with which it may not presently compete. One of the asserted justifications for permitting bank holding companies to engage in activities that the Board has determined independently to be closely related to banking, is to permit the introduction of new innovative and competitive vigor into these markets which could benefit therefrom. Where a bank holding company enters a market through acquisition of a major going concern, it may not have the incentive to compete vigorously, thereby bringing the possible benefits into play, as it would immediately succeed to what it might consider its fair share of the market. On the other hand, where a bank holding company enters a new market de novo, or through acquisition of a small firm, as opposed to acquisition of a substantial competitor, its desire to succeed in its new endeavor is more likely to be competitive. This legislation specifically emphasizes the importance of the manner in which a bank holding company may enter new activities. Such considerations will be particularly important in the context of expansion by bank holding companies into new geographic markets." H.R. Rep. No. 91–1747, 91st Cong., 2d Sess. 17 (1970).

[10] H.R. Rep. No. 91–1747, 91st Cong., 2d Sess. 17 (1970).

[11] Ibid.

ings in 1971, and that such increase was made possible largely because of "the availability of funds provided by [Applicant], primarily through use of commercial paper at lower rates than Advance could have obtained." However, construction loans made by Bank during the same period increased by an even greater margin than did those of Advance. Of equal importance, however, is the fact that originations made by Advance on 1–4 family residences during this period increased by a lesser margin than did such originations for the industry as a whole. In this respect, it would appear that whatever public benefits flowed from Advance's affiliation with Applicant were equally achievable by independent mortgage bankers in the country.

Applicant has also claimed public benefits through Applicant's recent authorization that permitted Advance to originate and warehouse $30 million of mortgages without investor take-out commitments. Such a practice, Applicant maintains, has a counter-cyclical effect on the flow of funds into mortgage markets during tight money periods and is accordingly socially beneficial. However, both affiliated and independent mortgage bankers appear to warehouse an increased volume of mortgage loans during periods of tight money. Thus, the record does not permit an inference that Applicant caused Advance to originate a greater volume of mortgages during periods of tight money than it would have originated as an independent firm.

Applicant states that upon approval of this application Advance will open new offices before the end of 1974. However, considering the size and resources of Applicant, it appears that Applicant has the capability to enter all such proposed new markets without acquiring one of the nation's largest mortgage banking firms. In the Board's judgment, such entry could be accomplished either de novo or through the acquisition of a mortgage banking firm smaller in size than Advance. Where less anticompetitive means of entry are available and such entry is likely to increase the vigor of competition in either a local, regional, or national mortgage market, the public is likely to benefit thereby. Accordingly, the Board is unable to conclude that the overall public benefits ascribed to Advance's affiliation with Applicant are sufficient to outweigh the substantial adverse effects of the acquisition.

The Board is cognizant of the fact that Applicant, rather than await the eve of the statutory deadline of December 31, 1980, sought prompt Board approval of its retention of Advance through submission of this section 4 application. In so doing, Applicant may have denied itself the opportunity to present evidence relating to the public benefits aspect of the acquisition which could only be shown through a longer period of operation than Applicant afforded itself. Accordingly, the Board's issuance of an order herein denying Applicant's present application is without prejudice to any subsequent application Applicant may file with the Board at such time it believes more persuasive evidence is available which may tend to outweigh the anticompetitive effects of the proposal. The Board should caution Applicant, however, that its willingness to receive additional post-acquisition evidence does not imply that such evidence will be "given conclusive weight or allowed to override all probabilities." (See *F.T.C.* v. *Consolidated Foods Corp.*, 380 U.S. 592, 598.) Such post-acquisition evidence will only be deemed relevant to the extent that it is helpful in illuminating or filling in details that are otherwise difficult to evaluate at the present time.

Based upon the foregoing and other considerations reflected in the record,[12] the Board concludes that the public interest factors the Board is required to consider under section 4(c)(8) do not outweigh the probable adverse effects, and that the application should be denied.

Accordingly, the application is herewith denied.

By order of the Board of Governors,[13] effective December 26, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–553 Filed 1–7–74;8:45 am]

HAMILTON BANCSHARES, INC.

Acquisition of Bank

Hamilton Bancshares, Inc., Chattanooga, Tennessee, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Hamilton Bank, N.A. Bristol, Tennessee, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 21, 1974.

Board of Governors of the Federal Reserve System, December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–554 Filed 1–7–74;8:45 am]

MANUFACTURERS NATIONAL CORP.

Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to Saline Savings Bank, Saline, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than January 25, 1974.

Board of Governors of the Federal Reserve System, December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–555 Filed 1–7–74;8:45 am]

MERCANTILE BANKSHARES CORP.

Order Approving Acquisition of Bank

Merchantile Bankshares Corporation, Baltimore Maryland, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent, but not less than 80 percent, of the voting shares of The Fidelity Bank, Frostburg, Maryland ("Bank"), a nonmember State bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act and the time for filing comments and views has expired. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

As of June 30, 1973, Applicant controlled eight banks with aggregate deposits of $481.6 million, representing 6.7 percent of the total commercial deposits in the State. It ranks as the sixth largest banking organization in Maryland and controls, in addition to the eight banks, two nonbanking subsidiaries, one of which is engaged in mortgage financing and servicing and the other in commercial, specialized consumer and second mortgage lending, factoring, lease financing and loan servicing. Subsequent to June 30, 1973, Applicant received Board approval to acquire a de novo bank. Acquisition of Bank ($12.3 million in deposits) would increase Applicant's share of Statewide deposits by only 0.2 percent and its ranking in the State would remain unchanged.

The approximate service area of Bank is Allegany County and the extreme eastern section of Garrett County, Maryland. Bank operates its single office in Frostburg, Maryland, and, with 7.6 percent of total deposits as of June 30, 1972, is the fifth largest of eight banking organizations competing in this area. Applicant's closest office to Bank is located in Winfield, Maryland, approximately 130

[12] Concurring Statements of Governors Mitchell and Brimmer and Dissenting Statement of Governor Sheehan filed as part of the original document. Copies are available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York.

[13] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Bucher, and Holland. Voting against this action: Governors Daane and Sheehan.

miles east of Bank. It appears that there is no significant existing competition between Bank and any of Applicant's banking offices and unlikely that such competition would develop in the future in view of the distances separating Bank from Applicant's banking offices. The Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of Applicant, its banks and bank-related subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. While there is no evidence in the record that the banking needs of the area are not being adequately served, affiliation with Applicant would allow Bank to make available a wider range of services to customers. Considerations relating to the convenience and needs of the area to be served lend slight weight toward approval of this application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (b) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-556 Filed 1-7-74;8:45 am]

NCNB CORP.

Continuation of Certain Insurance Sales Activities

NCNB Corporation, Charlotte, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to continue to engage, indirectly through C. Douglas Wilson & Co. ("Wilson"), Greenville, South Carolina, in the sale, as agent, of credit life and credit health and accident insurance to mortgagors of its wholly-owned subsidiary, Wilson, which primarily engages in mortgage banking activities. Such insurance sales activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 23363). The time for filing comments and views has expired, and none has been received.

On August 1, 1972, the Board approved[1] Applicant's application to acquire Wilson. That application indicated that Wilson's activities were limited to mortgage banking and described an item entitled "Insurance Commissions" on Wilson's Consolidated Statement of Earnings as "servicing fees received by [Wilson] in connection with its collection, in conjunction with mortgage payments, of premiums on life, accident, and health policies". Furthermore it was expressly stated in the application that "[Wilson] does not perform a sales role in connection with insurance involved." Accordingly, neither published notice of receipt of the application, nor the Board's Order of August 1, 1972, contained any reference to insurance sales activities as the Board only considered the mortgage banking activities of Wilson. However, the Order expressly subjected the Board's determination to the conditions set forth in § 225.4(c) of Regulation Y which provides, inter alia, the activities involved shall not be altered in any significant respect from those considered by the Board in making the determination.

On August 16, 1972, Applicant acquired shares of Wilson, which, both prior and subsequent to that date, was a party to agency agreements with two different group credit underwriters, under which it sold, and received commission income for the sale of, credit life and credit health and accident insurance. On April 16, 1973, Applicant filed the instant application and, shortly thereafter, ceased the insurance sales activities of Wilson.

The Board has considered both whether Applicant has knowingly and willfully made a false statement to the Board within the meaning of section 1001 of Title 18 of the United States Code and whether Applicant has willfully violated the Bank Holding Company Act and Regulation Y, within the meaning of section 8 of the Act (12 U.S.C. 1847). In doing so, the Board has considered Applicant's asserted reliance on disclaimers made by officers of Wilson at the time of the Wilson application to the effect that Wilson's insurance activities did not constitute "acting as insurance agent or broker".[2] That reliance may have been misplaced, particularly in that the question whether certain activities constitute acting as insurance agent or broker for purposes of Regulation Y is a question of law, not of fact, and not susceptible to resolution by officers of Wilson. However, upon the basis of the facts presented, the Board concludes that Applicant did neither knowingly and willfully make a false statement in its application nor engage in a willful violation of the Act.

Applicant controls one bank with aggregate deposits of $1.9 billion representing approximately 19 percent of the total deposits of commercial banks in North Carolina. (All banking data are as of June 30, 1973.) Applicant has nonbanking subsidiaries which are engaged principally in consumer finance activities, mortgage activities, factoring activities, and insurance agency activities.

Wilson has previously engaged in the sale of insurance as agent in connection with its mortgage company activities. Wilson had gross commission income of approximately $78 thousand for its fiscal year 1972. All of the commissions resulted from the sale, at Wilson's seven offices in South Carolina, of declining coverage term life insurance policies where the coverage was equal to the outstanding balance of a mortgage held or serviced by Wilson and of accident and health insurance policies where the coverage was equal to monthly mortgage payments. Thus, it appears all of Wilson's gross commission income is directly related to an extension of credit by Wilson or directly related to provision of other financial services by Wilson.

Although Applicant engages in certain insurance agency activities through some of its existing subsidiaries, approval of the proposed acquisition would not eliminate any significant existing competition between Applicant's subsidiaries and Wilson in the area of insurance sales because of the limited nature of the respective insurance activities. Applicant's subsidiaries do not derive income from the sale of credit life or credit accident and health insurance to mortgage customers in South Carolina, nor does Wilson receive income from the sale of any such insurance in North Carolina.

It is anticipated that the provision of insurance by Wilson will provide a convenient alternative source of insurance agency services for its mortgage customers. There is no evidence in the record indicating that continuation of Wilson's insurance sales activities would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. The insurance sales activities shall resume not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond. This determination is also subject to the conditions set forth in § 225.4(c) of Regulation Y (12 CFR 225.4(c)) and to the Board's authority to require such modification or termina-

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] 58 *Federal Reserve Bulletin* 844 (1972).

[2] That the sale of credit-related insurance coverage under a group policy is contemplated within the phrase "acting as insurance agent or broker" has been recognized by the Board virtually since the promulgation of section 225.4(a)(9) of Regulation Y (12 CFR 225.4(a)(9)) after enactment of the 1970 Amendments. For example, see Order of January 27, 1972 Approving Acquisition of IDS Credit Corporation by First Bank System, Inc., Minneaoplis, Minnesota, 58 *Federal Reserve Bulletin* 172, 173 (1972).

tion of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-557 Filed 1-7-74;8:45 am]

NORTHERN STATES BANCORPORATION, INC. AND TWIN GATES CORPORATION

Order Approving Acquisition of Bank

Northern States Bancorporation, Inc., Detroit, Michigan ("Northern States"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire directly 100 percent of the voting shares of the successor by merger to Union National Bank and Trust Company of Marquette, Marquette, Michigan ("Bank"). Twin Gates Corporation, Wilmington, Delaware ("Twin Gates"), a bank holding company, has filed a concurrent application for indirect control of Bank because of its present ownership of 14.2 percent of the outstanding voting shares of Northern States. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of all of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the applications and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Northern States controls two banks with aggregate deposits of $719 million, representing 2.8 percent of total deposits in commercial banks in Michigan, and is the sixth largest banking organization in the State. (All banking data are as of December 31, 1972, adjusted to reflect holding company acquisitions and formations approved through November 30, 1973.) The acquisition of Bank ($36 million deposits) would increase Northern States' share of State deposits by one-tenth of one percentage point, and its rank among State banking organizations would not change.

Twin Gates, in addition to its ownership of 14.2 percent of the outstanding shares of Northern States, owns 20 percent of the outstanding shares of National Bank of Rochester, Rochester, Michigan ("Rochester Bank"), which has deposits of $15 million. Through its profit sharing trust for benefit of the employees of its lead bank, City National Bank of Detroit, Detroit, Michigan ($579 million deposits), Northern States also controls 13.2 percent of the outstanding shares of Rochester Bank.

Bank is the second largest of six banks operating in the Marquette County banking market, which includes the towns of Gwinn, Ishpeming, Negaunee, and Marquette. Bank holds 22.5 percent of the total deposits in the market. The largest bank in the market, in terms of deposits, holds 35 percent of market deposits and is the lead bank in a newly formed holding company, which is comprised of three banks serving the market, which hold in the aggregate approximately 57 percent of total market deposits. The closest office of an existing or proposed subsidiary bank of Northern States and Twin Gates is located approximately 263 miles from one of Bank's offices. Thus, no significant present competition exists between Bank and Twin Gates' banking interests or Northern States' subsidiary banks. Moreover, in view of the distances involved and the restrictions placed on branching by Michigan law, it is unlikely that any meaningful competition would develop between them in the future. Although Northern States possesses the resources to enter the Marquette banking market de novo, the growth pattern of the area and the present population to banking office ratio do not appear to support such entry at this time. On the basis of the record, it appears that consummation of the proposed acquisition would not adversely affect competition in any relevant area and would not have an adverse effect on any competing bank.

The financial condition and managerial resources of Northern States and Twin Gates are generally satisfactory and their prospects appear favorable. Northern States proposes to provide Bank with managerial and technical assistance and to augment Bank's capital. It appears that consummation of the proposal would strengthen Bank's financial condition and enhance its prospects. Considerations relating to banking factors, therefore, lend weight toward approval of the application. Improvement in Bank's operations proposed by Northern States include a realignment of the loan portfolio, enlargement of the trust department, assistance with Bank's international accounts, and assistance in recruiting qualified personnel. Considerations relating to the convenience and needs of the communities to be served appear consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the applications should be approved.

On the basis of the record, the applications by Northern States and Twin Gates to acquire Bank are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 28, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-558 Filed 1-7-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First Citizens Bank and Trust Company ("Bank"), Titusville, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Florida, controls 27 banks with aggregate deposits of approximately $1.7 billion,[1] representing 8.40 percent of total deposits of commercial banks in the State. Acquisition of Bank would increase Applicant's share of State deposits by 0.12 percentage points to a total of 8.52 percent and Applicant's ranking among other banking organizations in the State would remain unchanged. Accordingly, acquisition of Bank will not significantly affect statewide concentration of banking resources in Florida.

Bank ($25.3 million in deposits) is the largest of three commercial banks located in the North Brevard County banking market (approximated by the City of Titusville and the northern part of Brevard County) and controls approximately 43 percent of the deposits in commercial banks in the market. The second and third largest banks in the market control approximately 38 percent and 19 percent of market deposits, respectively. Bank's affiliation with Applicant may improve competition within the market by introducing the resources of another bank holding company to compete with the market's two other banks which are already affiliated with the fourth and fifth largest bank holding companies in the State, without placing Applicant in a position of dominance in the market.

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 15, 1973.

Applicant's banking subsidiary closest to Bank is located 45 miles away in Orlando. It appears that no meaningful competition exists between Bank and any of Applicant's subsidiary banks. Further, due to the distance between Applicant's Orlando subsidiary and Bank, it is unlikely that future competition will develop between them. Applicant does have the resources to enter the market de novo. The market, which abuts the Kennedy Space Center, is economically dependent upon NASA programs and has experienced a slowdown in economic activity in recent years. As a result, the market is relatively unattractive for de novo entry by Applicant. The Board concludes that consummation of the proposal would have no adverse competitive effects in any relevant area.

The financial and managerial resources and future prospects of Bank, Applicant and Applicant's present subsidiary banks are regarded as satisfactory, particularly in view of Applicant's commitments to inject equity capital into certain of its subsidiary banks and Bank. Thus, considerations relating the banking factors are consistent with approval of this application.

Although there is no evidence in the record to indicate that the banking needs of the residents of the Titusville area are not currently being met, Applicant proposes to expand the range of services presently offered by Bank by increasing the availability of mortgage funds and venture capital, expanding trust services, and enlarging present parking facilities. Therefore, considerations relating to the convenience and needs of the community to be served lend weight to approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-559 Filed 1-7-74;8:45 am]

SOUTHWEST FLORIDA BANKS, INC.

Order Approving Acquisition of Banks

Southwest Florida Banks, Inc., Fort Myers, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of North First Bank, North Fort Myers, Florida ("North First Bank"), and South First Bank, Fort Myers, Florida ("South First Bank"), both proposed new banks.

Notice of the applications affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and all those received, including those submitted on behalf of Lee County Bank, Security National Bank, and Peoples Bank in North Fort Myers, all located in Fort Myers, Florida, have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with aggregate deposits of approximately $242 million, representing 1.2 percent of the total commercial bank deposits in Florida, and is the 19th ranking banking organization in the State.[1] Applicant has three banking subsidiaries located in the Lee County banking market, the relevant market, including its lead bank, First National Bank in Fort Myers ("First National Bank") ($139.7 million in deposits). Applicant ranks as the largest banking organization in the market with control of 35 percent of market deposits.

North First Bank will be located in an unincorporated area of Fort Myers, referred to as North Fort Myers, separated from downtown Fort Myers by the Caloosahatchee River. Applicant's closest subsidiary to North First Bank is its lead bank, First National Bank, 2.2 miles to the south and on the opposite side of the Caloosahatchee from the proposed North First Bank. North First Bank's closest competitor is Peoples Bank ($18.1 million in deposits) which is also located in North Fort Myers and is a subsidiary of United First Florida Banks, Inc., the State's fourth largest banking organization. The second largest bank in the market, Lee County Bank ($104.8 million in deposits), a subsidiary of First Financial Corporation, is situated only 1.7 miles south of the proposed North First Bank but on the opposite end of the Caloosahatchee Bridge. Lee County Bank intervenes between this proposed banking subsidiary and Applicant's lead bank.

South First Bank's proposed location is in an unincorporated area of Lee County, about seven miles southwest of downtown Fort Myers. Applicant's closest subsidiary to South First Bank is its lead bank, located 9.8 miles to the north. Intervening between First National Bank and South First Bank are banking subsidiaries of Barnett Banks of Florida, Inc., and First Financial Corporation, respectively, the second and seventh largest bank holding companies in Florida, controlling 14.1 and 22.5 percent of market deposits. Also intervening is a de novo subsidiary of Palmer Bank Corporation and one independent bank. Applicant's second largest Fort Myers banking subsidiary ($14.1 million in deposits), is located on Estero Island, about two miles east of State highway 865. Its location tends to isolate this banking subsidiary from the rest of Fort Myers. Applicant's third banking subsidiary in the Lee County banking market, East First National ($8.8 million in deposits), is about 3.6 miles to the north of Applicant's lead bank and would appear to have no significant competitive consequence in the area to be served by South First Bank.

Since these applications involve the establishment of de novo banks no existing or potential competition between any of Applicant's existing subsidiaries and North First Bank or South First Bank would be eliminated by the proposals, nor would concentration be increased in any relevant area.

In its analysis of these applications, the Board has considered the objections from various protestant parties. Briefly stated, protestants claim that consummation of the proposed transactions would perpetuate the high level of deposit concentration in the market, increase the barriers to entry, eliminate any possibility for eventual deconcentration, and allow Applicant to obtain a position of dominance in the market. An additional contention is that if these applications are approved Applicant will have three de novo subsidiaries in the Lee County market, including among the three, Bank of the Islands, Sanibel-Captiva ("Bank of the Islands"), a proposed de novo bank, located about 12 miles southwest of South First Bank.

Since 1960, the Lee County banking market has enjoyed significant population growth. Between 1960 and 1970, the Fort Myers area increased in population by nearly 93 percent; since 1970, population has risen an additional 14 percent. Over the past five years, deposits have grown by 204 percent. Projections indicate that by 1980 the population of the Lee County area will be about 66 percent greater than that in 1970. Indicative of this growth is the fact that four new banks opened between 1968 and 1973. In addition, three new bank charters have recently been approved (not including those of North First Bank and South First Bank) and five new bank charters are pending.

Simultaneously with the area's population growth, a pronounced trend toward deconcentration has occurred. Between year end 1965 and year end 1972, the share of Lee County commercial bank deposits held by the three largest banking organizations declined from 84.2 percent to 75.7 percent. During the same period, Applicant's market share declined from 46 percent to 35.4 percent. Since 1958, Applicant's market share has declined by 17 percentage points while the number of banks in the market has increased from two to eleven. Three of the ten largest banking organizations and bank holding companies in Florida entered the Lee County market in 1973 and

[2] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] All banking data, unless otherwise indicated, are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through November 30, 1973.

may be expected to increase further the vigor of competition in this market. From all the facts of record, the Board concludes that consummation of the proposed transactions would not result in a monopoly nor be in furtherance of any combination, conspiracy, or attempt to monopolize the business of banking in any relevant area.

Only one bank is presently located in the primary service area for the proposed North First Bank and this area has grown from a population of 7,900 in 1960 to over 20,000 in 1972. The service area of proposed South First Bank has also shown significant growth (from 3,200 in 1960 to approximately 12,500 in 1970). Similarly, only one existing bank is located in South First Bank's proposed primary service area. In each instance, the areas are in the early stages of development and appear capable of supporting such institutions. It appears further that a substantial portion of the deposits in both North First Bank and South First Bank will come from the transfer of deposits from Applicant's existing banking subidiaries to the more conveniently located proposed banking subsidiaries.

Moreover, all of the banks located near the areas to be served by the proposed Banks, including the protestants' banks, have experienced reasonably good growth. Each appears to have the ability to respond to any increase in competition which might result from consummation of Applicant's proposals. It is the Board's judgment upon consideration of all the facts in the record that approval of the applications would not have a significantly adverse effect on competition in any relevant area.

Protestants contend that Applicant will have control over another bank in the Lee County banking market, Bank of the Islands,[2] and that approval of the instant proposals would thereby give Applicant control over six banks in the Lee County banking market. After consideration of all the facts of record, including the absence of any officer and/or director interlocks between Bank of the Islands and Applicant or any of Applicant's banking subsidiaries, and the fact that but 7 percent of the stock in Bank of the Islands is held by shareholders owning around 1 percent of the stock in Applicant, it is the Board's judgment that approval of these applications would confer upon Applicant control over five banks in the Lee County banking market and that Bank of the Islands will not be under Applicant's control.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Prospects for Banks appear favorable since they would have capable and experienced management and would be adequately capitalized. Banks would each be able to provide an additional source of full banking services in areas which are experiencing rapid growth. Considerations relating to the convenience and needs of the areas to be served lend slight support to approval of the applications. It is the Board's judgment that the proposed acquisitions would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transactions shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) North First Bank, North Fort Myers, Florida, and South First Bank, Fort Myers, Florida, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 28, 1973.

THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-560 Filed 1-7-74;8:45 am]

[2] Bank of the Islands has received all necessary regulatory approvals, but has not yet opened for business.

NEW VICTORIA BANK AND TRUST CO.

Order Approving Application for Merger of Banks

New Victoria Bank and Trust Company, Victoria, Texas, a proposed State member bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Victoria Bank and Trust Company, Victoria, Texas, under the name of Victoria Bank and Trust Company.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application in light of the factors set forth in the Act.

On the basis of the record, the application is approved for the reasons summarized in the Board's Order of this date relating to the application of Victoria Bankshares, Inc. to become a bank holding company, provided that said merger shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

By order of the Board of Governors,[1] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-570 Filed 1-7-74;8:45 am]

VICTORIA BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

Victoria Bankshares, Inc., Victoria, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successors by merger to the following six banks, all located in Texas: (1) Victoria Bank and Trust Company, Victoria ("Victoria Bank"); (2) Farmers State Bank & Trust Co., Cuero ("Cuero Bank"); (3) The First National Bank of Nordheim, Nordheim ("Nordheim Bank"); (4) Home State Bank, Westhoff ("Westhoff Bank"); (5) Community State Bank, Runge ("Runge Bank"); and (6) Smiley State Bank, Smiley ("Smiley Bank"). The banks into which Victoria Bank, Cuero Bank, Nordheim Bank, Westhoff Bank, Runge Bank, and Smiley Bank ("Subject Banks") are to be merged have no significance except as a means to facilitate the acquisition of the voting shares of subject banks. Accordingly, the proposed acquisition of shares of the successor organizations is treated herein as the proposed acquisition of the shares of subject banks.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating corporation with no subsidiaries, was organized for the purpose of becoming a multibank holding company. The banks to be acquired are located in four conterminous counties in South Central Texas and have been affiliated for several years through common ownership and interlocking management. Upon consummation of the proposal, Applicant would control six banks with aggregate deposits of approximately $129 million, representing slightly less than .4 percent of the total deposits in commercial banks in the State, and would become the thirtieth largest banking organization in Texas. (All banking data are as of June 30, 1973 and reflect bank holding company formations and acquisitions approved through November 30, 1973.)

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

Victoria Bank (deposits of about $113 million), the largest of Applicant's proposed subsidiary banks, is the largest of four banks in the Victoria County banking market and controls over 45 percent of the total commercial banks deposits in that market. The second and third largest banks therein control, respectively, 32 percent and 20 percent of the deposits in the market.

Cuero Bank (deposits of about $9 million), Nordheim Bank (deposits of about $1 million), and Westhoff Bank (deposits of $1 million) are located in the DeWitt County banking market, holding in the aggregate almost 18 percent of total market deposits and rank fifth, seventh, and eighth, respectively, among the eight banks in the market. As a result of acquisition of the three banks in the DeWitt County market, Applicant would become the second largest banking organization in that market. While all the banks are located in the same market, each serves a separate community. Furthermore, in view of the history of the common ownership of the banks, it appears that no significant existing competition would be eliminated as a result of the consummation of the proposal.

Runge Bank (deposits of about $3 million (is the third largest of four banks in the Karnes County banking market and holds about 11 percent of the total commercial bank deposits therein. The banks ranked first and second in deposit size in the market each control approximately 40 percent of the deposits in the market.

Smiley Bank (deposits of about $2 million) is the smallest of four banks in the Gonzales County banking market and holds less than 5 percent of total commercial deposits in that market.

On the basis of the record, there appears to be no significant existing competition between any of the six proposed subsidiary banks primarily because of the common control of the banks, the relatively small size of the banks, and the distances separating the banks involved. Furthermore, for the same reasons, it appears unlikely that any substantial amount of competition would develop in the future between any of the banks.

The financial condition and managerial resources of Applicant and its proposed subsidiary banks are regarded as satisfactory; future prospects for the group appear favorable, particularly in view of Applicant's commitment to inject additional equity capital into the Cuero Bank. Accordingly, the Board regards the banking factors as being consistent with approval of the application.

In regard to convenience and needs factors, affiliation with Applicant should enable each of the banks involved to become a more effective competitor in its respective banking market in that each bank would have additional lending capabilities to compete for commercial loans. In addition, it appears that all of the proposed subsidiary banks, except for Victoria Bank, have not been meaningful competitors for time deposits. Applicant stated that it will encourage its proposed subsidiary banks to expand their services in this area and this action should benefit local customers of the banks involved. Applicant will also assist in the remodeling and in the construction of banking facilities for its subsidiary banks as needed. Considerations relating to the convenience and needs of the communities to be served, therefore, lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-561 Filed 1-7-74;8:45 am]

WINTERS NATIONAL CORP.

Acquisition of Winters National Life Insurance Company

Winters National Corporation, Dayton, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Winters National Life Insurance Company, Phoenix, Arizona ("Company"), a company that will engage de novo in the activity of underwriting, as reinsurer, credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lending subsidiary. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 30477). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, Winters National Bank and Trust Company, Dayton, Ohio, with total deposits of approximately $515 million, representing 2 percent of total deposits in commercial banks in Ohio. (All banking data are as of June 30, 1973.) Company will be formed as an Arizona insurance corporation with initial capital of $155,000. As Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies offered in connection with extensions of credit by Applicant's lending subsidiary. Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite in Ohio where Applicant's subsidiary engages in business and will thereafter be assigned or ceded to Company under a reinsurance agreement.

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to assure repayment of a loan in the event of death or disability of the borrower. In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated:

> To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has applied for permission to engage in the reinsurance of the following types of insurance coverage to be offered in the State of Ohio: individual and joint level term credit life insurance on single payment loans;[1] individual and joint reducing term credit life insurance on installment loans;[2] and individual decreasing term credit accident and health insurance.

Applicant has stated that its proposed reinsurance subsidiary (Company) and the direct underwriter which issues the credit life and credit accident and health insurance policies made available by Applicant's lending subsidiary will reduce the rates charged for all types of credit life insurance by 4 percent from the prevailing rates. In addition, Applicant will reduce the rate charged for individual decreasing credit accident and health insurance by 5 percent. The Board finds that the reduced cost of such insurance coverage is procompetitive and is in the public interest. The Board concludes that such public benefits outweigh any possible adverse effects of approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This

---

[1] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

[1] The Board does not regard the sale of level term credit life insurance in connection with installment lending as directly related to an extension of credit under section 225.4(a)(9)(ii) of Regulation Y; however, the Board has found that such insurance in connection with single payment loans is directly related to an extension of credit.

[2] Applicant proposes to underwrite the aforementioned joint credit life coverage for co-makers or co-signers on indebtedness resulting from the extension of credit.

determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[3] effective December 27, 1973.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-562 Filed 1-7-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

DUSKY DIAMOND COAL CO. ET AL.

Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4021-000, DUSKY DIAMOND COAL COMPANY, Grass Creek Mine, Mine ID No. 48 00077 0, Thermopolis, Wyoming.

(2) ICP Docket No. 4031-000, RHONDA COAL COMPANY, Mine No. 3, Mine ID No. 44 01638 0, Oakwood, Virginia.

(3) ICP Docket No. 4053-000, JEAN COAL COMPANY, Mine No. 5, Mine ID No. 15 04611 0, Millstone, Kentucky.

(4) ICP Docket No. 4054-000, DAY COAL COMPANY, 20-B Mine, Mine ID No. 15 02341 0, Whitesburg, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et. seq., Pub. L. 91-173), notice is hereby given than requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

Dated: December 27, 1973.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74-542 Filed 1-7-74;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Daane, Brimmer, and Holland. Absent and not voting: Chairman Burns and Governors Sheehan and Bucher.

ALLIED COALS, INC. ET AL.

Electric Face Equipment Standard; Notice of Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4059-000, ALLIED COALS, INC., Allied No. 1 Mine, Mine ID No. 15 05354 0, Hindman, Kentucky.

(2) ICP Docket No. 4060-000, VOLUNTEER MINING CORPORATION, Volunteer Mine No. 1, Mine ID No. 40 00255 0, Devonia, Tennessee.

(3) ICP Docket No. 4062-000, DEEL COAL COMPANY, Mine No. 3, Mine ID No. 44 03463 0, Grundy, Virginia.

(4) ICP Docket No. 4035-000, SPONSKY COAL COMPANY, Sponsky No. 1 Mine, Mine ID No. 36 01161 0, Elmora, Pennsylvania.

(5) ICP Docket No. 4038, LUCKY STAR COAL COMPANY, Lucky Star No. 3 Mine, Mine ID No. 15 02036 0, Hyden, Kentucky.

(6) ICP Docket No. 4063-000, A.K.P. COAL COMPANY, A.K.P. No. 31 Mine, Mine ID No. 15 02289 0, Hindman, Kentucky.

(7) ICP Docket No. 4064-000, A.K.P. COAL COMPANY, A.K.P. No. 12 Mine, Mine ID No. 15 02288 0, Hindman, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

Dated: January 2, 1974.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74-543 Filed 1-7-74;8:45 am]

TARIFF COMMISSION

[337-L-69]

CERTAIN GARAGE DOOR LOCKS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt, on November 5, 1973, of a complaint under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), filed by National Lock Hardware, a Division of Keystone Consolidated Industries, Inc., of Rockford, Illinois, alleging unfair methods of competition and unfair acts in the importation and sale of certain garage door locks which are embraced within the claims of U.S. Letters Patent 3,306,086 owned by the complainant, Globe International Corporation, 3025 Darnell Road, Philadelphia, Pennsylvania, has been named as importing and offering for sale the subject product.

In accordance with the provisions of § 203.3 of its Rules of Practice and Procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than February 14, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and twenty-five (25) true copies of each document must be filed.

Issued: January 2, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-640 Filed 1-7-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 418]

ASSIGNMENT OF HEARINGS

JANUARY 3, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-77972 Sub 19, Merchants Truck Line, Inc., now assigned January 14, 1974, at Memphis, Tenn., is postponed indefinitely.

MC 27356 Sub 6, M-F Express, Inc., now assigned hearing February 11, 1974, at the Downtowner Motor Inn, Plantation Room, Washington at Poplar, Greenville, Mississippi.

MC 111476 Sub 3, John S. Wisneski, now being assigned hearing February 25, 1974 (1 week), at New York, N.Y., in a hearing room to be later designated.

MC 114284 Sub 57, Fox-Smythe Transportation Co., now assigned January 21, 1974, at Albuquerque, N. Mex., is canceled and the application is dismissed.

MC 97068 Sub 12, H. S. Anderson Trucking Co., now assigned February 25, 1974, at Dallas, Tex., is canceled and the application is dismissed.

MC-110563 Sub 107, Coldway Food Express, Inc., now assigned January 15, 1974, at Omaha, Nebr., is canceled and the application is dismissed.

MC 135647, Robert Emanuel and Margaret Emanuel, d.b.a. Emanuel's Express, now being assigned continued hearing March 18, 1974, (1 week), at Philadelphia, Pa., in a hearing room to be later designated.

No. 35717, Southern Railway Company—Petition for Declaratory Order, No. 35717 Sub 1, Louisville and Nashville Railroad Company—Petition for Declaratory Order—Refund Rule—Electrical Appliances, now being assigned continued hearing January 22, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 124174 Sub-92, Momsen Trucking Co., Extension-Wallboard, now assigned January 9, 1974, at Washington, D.C., is canceled and application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-639 Filed 1-7-74;8:45 am]

[Notice 413]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 28, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74827. By order of December 28, 1973, the Motor Carrier Board approved the transfer to M-B Transport, Inc., 1941 Land Road, Jamison, Pa. 18929, of the operating rights in Certificate No. MC-35980 issued July 25, 1967, to Wilma Begala, 930 High Street, Alpha, N.J. 08866, authorizing the transportation of sand, gravel, crushed stone, slag, and soil and earth strippings, between points in Pennsylvania and New Jersey within 30 miles of Alpha, N.J., including Alpha; and from points in Pennsylvania within 45 miles of Alpha, N.J., other than those within 30 miles of Alpha, to Stanhope, N.J.

No. MC-FC-74833. By order of December 28, 1973, the Motor Carrier Board approved the transfer to Chanay Truck Line, Inc., Wellsville, Kans., of the operating rights in Certificate No. MC-69299 issued February 8, 1971, to Marlin A. Chanay and Marilyn Chanay, a partnership, doing business as Chanay Truck Line, Wellsville, Kans., authorizing the transportation of general commodities, with usual exceptions, and certain specified commodities, over regular routes to and from Kansas City, Mo., and Kansas City, Stanton, Rantoul, and Wellsville, Kans., serving named intermediate and off-route points. John L. Richeson, First National Bank Building, Ottawa, Kans. 66067, Attorney for applicants.

No. MC-FC-74844. By order of December 28, 1973, the Motor Carrier Board approved the transfer to Concord Motor Lines, Inc., Chelsea, Mass., of the operating rights in Certificates Nos. MC-27965 and MC-27965 (Sub-No. 3) issued December 21, 1972, and August 1, 1973, respectively, to Davis Transportation Company, Incorporated, West Acton, Mass., authorizing the transportation of general commodities, with usual exceptions, from New York, N.Y., to Boston and Lowell, Mass., household goods as defined by the Commission, between Concord, Mass., and points within 15 miles thereof, on the one hand, and, on the other, points in Connecticut, New Hampshire, New Jersey, New York, and Rhode Island; new furniture, from Concord and Acton, Mass., to points in Rhode Island, New Hampshire, New York (portion), and New Jersey (portion), and other specified commodities, to and from points in New York, New Jersey, Massachusetts. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108, Joseph Braunstein, 15 Court Square, Boston, Mass. 02108, and Steven R. Graham, 411 Massachusetts Avenue, Acton, Mass. 01720, Attorneys for applicants.

No. MC-FC-74845. By order of December 28, 1973, the Motor Carrier Board approved the transfer to Byars Oil Company, Inc., Pickens, S.C., of Certificates No. MC-116289 and Sub 2, issued to Charles G. Byers, Pickens, S.C., authorizing the transportation of: Petroleum products, in bulk, in tank vehicles, between specified points in Georgia, Alabama, and South Carolina. Harry A. Chapman, Jr., Attorney, 307 Pettigru St., Greenville, South Carolina 29603.

No. MC-FC-74851. By order of January 2, 1974, the Motor Carrier Board approved the transfer to Tri-State Bus Lines, Inc., Paducah, Kentucky, of Certificates Nos. MC-116248 and MC-116248 (Sub-No. 6), issued March 13, 1967, and May 3, 1968, respectively, to G. W. Conner, doing business as Conner Bus Lines, Poplar Bluff, Missouri, authorizing the transportation of passengers and their baggage between named points in Missouri, Illinois, and Kentucky. Mr. H. S. Melton, Jr., Attorney at Law, Suite 234, Katterjohn Building, Box 1407, Avondale Station, Paducah, Kentucky 42001.

No. MC-FC-74852. By order of December 28, 1973, the Motor Carrier Board approved the transfer to W. V. Williams, d.b.a. Williams Transport, Granite City, Ill., of Certificate No. MC-22990 (Sub. No. 2), issued to Russell Transportation, Inc., Quincy, Ill., authorizing the transportation of: General commodities, usual exceptions, between St. Joseph and Cameron, Mo., serving specified intermediate and off-route points. Einar Viren, Attorney, 904 National Bank Building, Omaha, Nebraska 68102.

No. MC-FC-74857. By order of December 28, 1973, the Motor Carrier Board approved the transfer to Lloyd Wm. King, Doing Business As King Custom Farming, Whiting, Iowa 51063, of Permit No. MC-135335 (Sub-No. 2), issued to Jack H. Lobdell, Doing Business As Lobdell Trucking, South Sioux City, Nebraska, authorizing the transportation of: Dry animal and poultry feed, from Sioux City, Ia., to specified counties in Nebraska.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-638 Filed 1-7-74;8:45 am]

[Notice 180]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

DECEMBER 31, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub-No. 50 TA), filed December 18, 1973. Applicant: SCHROETLIN TANK LINE, INC., Mlg: P.O. Box 511, Off: Saunders Ave. & Highway 6, Sutton, Nebr. 68979. Applicant's repre-

sentative: Patrick E. Quinn, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas, and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska, for 180 days. SUPPORTING SHIPPER: J. J. Stefanec, Agrico Chemical Company, Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 20337 (Sub-No. 2 TA), filed December 13, 1973. Applicant: KENNEDY VAN & STORAGE COMPANY, INC., P.O. Box 17191, Dulles International Airport, Washington, D.C. 20041. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Culpeper, Green, Loudoun, Madison, Rappahanock, Orange, Fairfax, Prince William, Fauquier, Clark, Page, Shenandoah, Warren, Frederick, and Rockingham Counties, Va., on the one hand, and, on the other, points in West Virginia, for 180 days. SUPPORTING SHIPPER: Barbara L. Stippich, Contracting Officer, USASA Central Procurement Activity, Materiel Support Command, Vint Hill Farms Station, Warrenton, Va. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 26396 (Sub-No. 107 TA), filed December 18, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Park County, Mont., to points in Illinois and Missouri, for 180 days. SUPPORTING SHIPPER: Brand S Lumber Company, P.O. Box 1033, Livingston, Mont. 59047. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 108 TA), filed December 18, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Montana east of the Continental Divide, to points in Iowa, for 180 days. SUPPORTING SHIPPER: Brand S Lumber Company, P.O. Box 1033, Livingston, Mont. 59047. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 26396 (Sub-No. 109 TA), filed December 18, 1973. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood and lumber products, and forest products*, from points on the United States-Canada International Boundary line in Montana, Washington, and Idaho, to points in Nebraska, Kansas, Texas, Oklahoma, Utah, Colorado, Montana, Wyoming, North Dakota, and South Dakota, for 180 days. SUPPORTING SHIPPERS: Montana Lumber Sales, Drawer 1504, Missoula, Mont. 59801; Slaughter Brothers, Inc., P.O. Box 624, Kalispell, Mont. 59901; and Grows Nest Industries Limited, P.O. Box 250, Fernie, British Columbia, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 52460 (Sub-No. 130 TA), filed December 12, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, between Chelsea, Okla., and Osage City, Kans., on the one hand, and, on the other, points in Arkansas, Kansas, Missouri, and Oklahoma, for 180 days. SUPPORTING SHIPPER: O.K. Blend Feed, Inc., Edward Peterson, President, Osage City, Kans. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 52460 (Sub-No. 131 TA), filed December 12, 1973. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, P.O. Box 9515, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage and related advertising material and empty containers returned*, from Memphis, Tenn., to Kansas City, Mo., and North Kansas City, Mo., for 180 days. SUPPORTING SHIPPERS: Standard Beverage Co., Inc., Mike E. Roper, Pres., 11104 Lake Street, Sugar Creek, Mo. 64054; Bill Grigsby, Inc., Truman L. Sloan, Pres., 1540 Atlantic St., North Kansas City, Mo., 64166; and Downtown Wholesalers, Inc., Truman L. Sloan, Pres., 101 West 22nd St., Kansas City, Mo. 64108. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 76449 (Sub-No. 15 TA), filed December 18, 1973. Applicant: NELSON'S EXPRESS, INC., 675 Market Street, Millersburg, Pa. 17061. Applicant's representative: John M. Musselman, 410 N. Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, high explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plants and warehouses of AMP, Incorporated, located in Cumberland, Dauphin, Lancaster, Snyder, York, Schuylkill, Perry, Chester, and Franklin Counties, Pa., on the one hand, and, on the other, the plants and warehouses of AMP, Incorporated, located in Staunton, Va., and points in Augusta County, Va., for 180 days. SUPPORTING SHIPPER: AMP, Incorporated, Box 3608, 2800 Fulling Mill Road, Harrisburg, Pa. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 106674 (Sub-No. 118 TA), filed December 18, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Propane*, in bulk, in tank vehicles, from Kokomo, Ind., to Tuscola, Ill., for 180 days. SUPPORTING SHIPPER: Stellite Division of Cabot Corp., 1020 Park Avenue, Kokomo, Ind. 46901. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 108449 (Sub-No. 371 TA), filed December 17, 1973. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Gladstone, Mich., to Duluth, Grand Rapids, and Hibbing, Minn., for 180 days. SUPPORTING SHIPPER: Philheat (Davis Oil Company, Inc.), 1301 W. 4th St., Grand Rapids, Minn. 55744. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. and U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 115601 (Sub-No. 22 TA), filed December 19, 1973. Applicant: BROOKS

ARMORED CAR SERVICE, INC., 13 East 35th Street, Wilmington, Del. 19802. Applicant's representative: L. Agnew Myers, Jr., Suite 406, 7 Walker Building, 734 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin, currency, negotiable and non-negotiable securities, stocks, bonds and valuable documents*, between Wilmington, Del., and points in Pennsylvania, for the account of Girard Bank of Philadelphia, Pa., for 180 days. SUPPORTING SHIPPER: Girard Bank, 3 Girard Plaza, Philadelphia, Pa. 19101. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa.

No. MC 117551 (Sub-No. 5 TA), filed December 13, 1973. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, Colo. 80204. Applicant's representative: John H. Lewis, The 1650 Grant Street Bldg., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture and television film and theatre supplies*, (A) between Denver, Colo., on the one hand, and, on the other, Grand Junction, Colo.: (1) from Denver via Interstate Highway 25 or U.S. Highway 285 to their junctions with U.S. Highway 50, thence over U.S. Highway 50 to Grand Junction, serving all points on U.S. Highway 50 west of the Continental Divide and serving the off-route point of Telluride, Colo., and (2) from Denver via U.S. Highway 6, U.S. Highway 40 and Interstate Highway 70 to Grand Junction, serving all points on U.S. Highway 6 and Interstate Highway 70 west of the Continental Divide and the off-route points of Leadville, Breckenridge, Minturn, and Aspen, Colo., and (B) between Denver, Colo., on the one hand, and, on the other, Craig, Colo.: (1) from Denver to Craig, via U.S. Highway 6, U.S. Highway 40, and Interstate Highway 70 serving the following points on U.S. Highway 40: Granby, Steamboat Springs and Craig, Colo. and return over the same route, for 180 days.

NOTE.—This is a "between" operation and and applicant will be transporting returned film to Denver. There will be no dead-head operations.

SUPPORTING SHIPPERS: 20th Century Fox Film Corp., 1860 Lincoln, Suite 407, Denver, Colo. 80203; Batter Booking Service, Inc., 925 21st Street, Denver, Colo. 80205; and National General Pictures Corp., 88 Steele Street, Suite 304, Denver, Colo. 80206. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 124144 (Sub-No. 9 TA), filed December 19, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 S. George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated plastic board*, from the plantsite of Alco Plastic Products Company at or near Oaks, Pa., to points in Illinois, Ohio, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Alco Plastic Products Co., Division of Alco Standard Corporation, Brookville, Ind. 47102. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 123819 (Sub-No. 35 TA), filed December 12, 1973. Applicant: ACE FREIGHT LINE, INC., 261 East Webster Street, P.O. Box 2103, Memphis, Tenn. 38102. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, from Memphis, Tenn., to points in Arkansas and Mississippi, for 180 days. SUPPORTING SHIPPER: Cargill, Incorporated, Cargill Building, Minneapolis, Minn. 55402. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 133304 (Sub-No. 4 TA), filed December 19, 1973. Applicant: WILLIAM REMINES, JR., doing business as WM. REMINES, JR., P.O. Box 352, Bluefield, Va. 24605. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, fruit juices and fruit drinks when moving with dairy products, and empty metal baskets on return*, from Bluefield, Va., to Logan, W. Va., for 180 days. SUPPORTING SHIPPER: Fairmont Foods, Virginia Avenue, Bluefield, Va. 24605. SEND PROTESTS TO: Clatin M. Harmon, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 139302 (Sub-No. 1 TA), filed December 17, 1973. Applicant: KREUGER TRUCKING CO. INC., 1580 William Street, Buffalo, N.Y. 14206. Applicant's representative: Christian G. Koelbl, III, 1800 One M & T Plaza, Buffalo, N.Y. 14203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in the Lower Peninsula of Michigan, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

By the Commission.

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

[FR Doc.74-637 Filed 1-7-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR

PROCLAMATIONS:

4258 — 959

EXECUTIVE ORDERS:

325A (superseded by EO 11755) — 779
11755 — 779
11756 — 781
11757 — 783

5 CFR

213 — 961, 1270, 1349
315 — 961
900 — 1349

6 CFR

150 — 808, 809, 979, 981
152 — 981–983

7 CFR

6 — 986
26 — 1350
58 — 986
68 — 1270
180 — 785
201 — 785
205 — 785
401 — 987–994
402 — 991
403 — 994
404 — 994
406 — 994
408 — 994
409 — 994
410 — 995
413 — 995
812 — 995
814 — 996
907 — 786, 996, 1270
910 — 997
1001 — 1351
1002 — 1351
1004 — 1351
1006 — 1351
1007 — 1351
1011 — 1351
1012 — 1351
1013 — 1351
1015 — 1351
1030 — 998
1032 — 1351
1033 — 1351
1036 — 1351
1040 — 1351
1044 — 1351
1046 — 1351
1050 — 1351
1060 — 1351
1061 — 1351
1062 — 1351
1063 — 1351
1064 — 1351
1065 — 1351
1068 — 1351
1069 — 1351
1070 — 1351
1071 — 1351
1073 — 1351
1075 — 1351
1076 — 1351
1078 — 1351
1079 — 1351
1090 — 1351
1094 — 1351
1096 — 1351
1097 — 1351
1098 — 1351
1099 — 1351
1101 — 1351
1102 — 1351
1104 — 1351
1106 — 1351
1108 — 1351
1120 — 1351
1121 — 1351
1124 — 1351
1125 — 1351
1126 — 1351
1127 — 1351
1128 — 1351
1129 — 1351
1130 — 1351
1131 — 1351
1132 — 1351
1133 — 1351
1134 — 1351
1136 — 1351
1137 — 1351
1138 — 1351
1139 — 1351
1207 — 786
1421 — 5
1700 — 1351
1832 — 787

PROPOSED RULES:

26 — 1364
52 — 1053
928 — 810
947 — 810
1001 — 811
1002 — 811
1004 — 811
1006 — 811
1007 — 811
1011 — 811
1012 — 811
1013 — 811
1015 — 811
1030 — 811
1032 — 811
1033 — 811
1036 — 811
1040 — 811
1044 — 811
1046 — 811
1049 — 811, 1276
1050 — 811
1060 — 811
1061 — 811
1062 — 811
1063 — 811
1064 — 811
1065 — 811
1068 — 811
1069 — 811
1070 — 811
1071 — 811
1073 — 811
1075 — 811
1076 — 13, 811
1078 — 811
1079 — 811
1090 — 811
1094 — 811
1096 — 811
1097 — 811
1098 — 811
1099 — 811
1101 — 811
1102 — 811
1104 — 811
1106 — 811
1108 — 811
1120 — 811
1121 — 811
1124 — 811
1125 — 811
1126 — 811
1127 — 811
1128 — 811
1129 — 811
1130 — 811
1131 — 811
1132 — 811
1133 — 811
1134 — 811
1135 — 811
1136 — 811
1137 — 811
1138 — 811
1139 — 811
1421 — 814
1701 — 814, 1053

9 CFR

73 — 787, 1270
78 — 998
92 — 999
97 — 999
113 — 999

10 CFR

0 — 787
20 — 1000
50 — 1001
200 — 746
201 — 761
202 — 761

PROPOSED RULES:

Ch. II — 1363
200 — 700

12 CFR

207 — 1006
208 — 788
220 — 1006
221 — 1006
526 — 789
545 — 789
561 — 6
563 — 790
581 — 791
582 — 791, 1006
701 — 1271
709 — 1271

PROPOSED RULES:

545 — 829

13 CFR

121 — 6

PROPOSED RULES:

121 — 831

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*
1–770	Jan. 2
771–950	3
951–1252	4
1253–1342	7
1343–1411	8