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NIH—Cancer Research Center Review Committee to be held at Bethesda, Maryland (closed).... 3303; 1–25–74

NIH—Symposium on Combined Modality Therapy of Cancer to be held at Denver, Colorado (open)..... 3304; 1–25–74

USDA—Spearfish District Grazing Advisory Board to be held at Spearfish, South Dakota (open)..... 2018; 1–16–74

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

Note: There were no laws signed by the President during the week.

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11766

Modifying Rates of Interest Equalization Tax

WHEREAS I have determined that the rates of tax prescribed under section 1 of Executive Order No. 11754 [1] of December 26, 1973, with respect to acquisitions of stocks of foreign issuers and debt obligations of foreign obligors made after December 31, 1973, are higher than the rates of tax necessary to limit the acquisitions by United States persons of stocks of foreign issuers, and debt obligations of foreign obligors within a range consistent with the balance-of-payments objectives of the United States:

NOW, THEREFORE, by virtue of the authority vested in me by section 4911(b)(2) of the Internal Revenue Code of 1954, and as President of the United States, it is hereby ordered as follows:

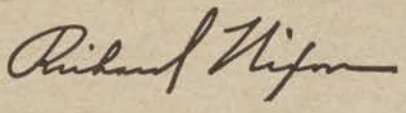
Section 1. Section 1 of Executive Order No. 11464 [2] of April 3, 1969, as amended, is hereby amended to read as follows:

"Section 1. *Rates of Tax.*

"(a) *Rates applicable to acquisitions of stock.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of stock shall be equal to zero percent of the actual value of the stock.

"(b) *Rates applicable to acquisitions of debt obligations.* The tax imposed by section 4911 of the Internal Revenue Code of 1954 on the acquisition of a debt obligation shall be equal to zero percent of the actual value of the debt obligation measured by the period remaining to its maturity."

Sec. 2. With respect to acquisitions of stock of foreign issuers and debt obligations of foreign obligors made under the rules of a national securities exchange registered with the Securities and Exchange Commission or under the rules of the National Association of Securities Dealers, Inc., this Order shall be effective for acquisitions made after January 29, 1974, but only if the trade date was after January 29, 1974. In the case of other acquisitions of stock of foreign issuers and debt obligations of foreign obligors, this Order shall be effective for acquisitions made after January 29, 1974.



THE WHITE HOUSE,
January 29, 1974.

[FR Doc.74-2636 Filed 1-29-74;10:12 am]

[1] 38 FR 35423.
[2] 34 FR 6233; 3 CFR, 1966–1970 Comp., p. 785.

Rules and Regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Temporary Boards and Commissions

Section 213.3199 is amended to show that until June 30, 1977, all positions on the staff of the Marine Mammal Commission are excepted under Schedule A.

Effective on January 30, 1974, § 213.-3199(o) is added as set out below.

§ 213.3199 Temporary Boards and Commissions.

* * * * *

(o) *Marine Mammal Commission.*

(1) Until June 30, 1977, all positions on the staff of the Commission.

(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.74–2477 Filed 1–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Conservation, Research, and Education is excepted under Schedule C.

Effective on January 30, 1974, § 213.-3313(a) (11) is added as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.*

* * * * *

(11) One Confidential Assistant to the Assistant Secretary for Conservation, Research, and Education.

(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.74–2473 Filed 1–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that the positions of Director, Bureau of Domestic Commerce and Deputy Director, Bureau of Domestic Commerce, are no longer excepted under Schedule C, and that the position of Deputy Assistant Secretary for Domestic and International Business is excepted under Schedule C.

Effective on January 30, 1974, § 213.-3314(m) (8) and (9) are revoked and § 213.3314(m) (16) is added as set out below.

§ 213.3314 Department of Commerce.

(m) *Office of the Assistant Secretary for Domestic and International Business.*

(8) [Revoked]

(9) [Revoked]

* * * * *

(16) Deputy Assistant Secretary for Domestic and International Business.

(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.74–2475 Filed 1–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one additional position of Confidential Assistant to the Director, Office of Foreign Direct Investments, is excepted under Schedule C.

Effective on January 30, 1974, § 213.-3314(a) (16) is amended as set out below.

§ 213.3314 Department of Commerce.

(a) *Office of the Secretary.*

* * * * *

(16) Two Confidential Assistants to the Director, Office of Foreign Direct Investments.

* * * * *

(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.74–2474 Filed 1–29–74;8:45 am]

PART 213—EXCEPTED SERVICE

General Services Administration

Section 213.3337 is amended to show that one additional position of Confidential Assistant to the Commissioner, Public Buildings Service, is excepted under Schedule C. This section is further amended to show that one position of Confidential Assistant to the Commissioner, Property Management and Disposal Service, is no longer excepted under Schedule C.

Effective on January 30, 1974, § 213.3337(b) (2) and § 213.3337(f) (2) are amended as set out below.

§ 213.3337 General Services Administration.

* * * * *

(b) *Public Buildings Service.*

* * * * *

(2) Five Confidential Assistants to the Commissioner.

* * * * *

(f) *Property Management and Disposal Service.*

* * * * *

(2) Four Confidential Assistants to the Commissioner.

* * * * *

(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.74–2476 Filed 1–29–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Steel Price Increases

Under Special Rule No. 1, published September 13, 1973, the Cost of Living Council established special regulations governing prenotified price increases for steel products. With respect to prenotified price increases for flat rolled steel products, Special Rule No. 1 prohibited price increases before October 1, 1973, permitted one-half of the proposed price increases on that date, and provided for implementation of the balance of the proposed price increases effective January 1, 1974. Special Rule No. 1 also provided that with respect to prenotified price increases for all other steel products in SIC Group No. 331 no price increases may be effected except pursuant to prenotification for which the 30 day prenotification period would commence on December 1, 1973.

The Council held hearings on proposed steel price increases on December 19 and 20 and as a result of these hearings the Council took three actions on December 21, 1973. First, the Council deferred the pending proposed price increases with respect to other products in SIC Group No. 331 until January 25,

1974. Second, the Council deferred until that time proposed new price increases on flat rolled steel products beyond those authorized by Special Rule No. 1. Third, the Council promulgated Special Rule No. 4 which applied to permit price increases only with respect to items which had not been sold at prices above adjusted freeze price levels prior to December 1, 1973, and to those items listed in SIC Group No. 331 which had been sold at prices above adjusted freeze price levels pursuant to an exception granted by the Council. Special Rule No. 4 provided immediate interim relief by means of an upward adjustment in the adjusted freeze price to reflect increases in the cost of purchased ferrous scrap incurred between June 1 and December 31, 1973.

A new special rule (Special Rule No. 5) is added to the Phase IV price regulations which permits price increases pursuant to prenotification forms submitted prior to January 1, 1974, to be placed in effect after January 25, 1974, subject to whatever modification of the proposed price increase the Council makes in its decision and order to conform to the Phase IV price regulations. Price increases pursuant to notices of proposed price increase submitted on or after January 1, 1974, are deferred and may not be charged until further notice.

In addition, Special Rule No. 5 waives the application of the "item maximum" rule in § 150.74(b) for all sales of covered steel products. The item maximum rule limits the price increase for any one item in the product line concerned to 110 percent of the "base level" plus the product of the "base level" times the percentage of cost justification, provided the weighted average price increase for the product line does not exceed the percentage of cost-justification. This means that the price of any item in the product line concerned may be increased without limitation under Special Rule No. 5 provided that the weighted average percentage price increase does not exceed the percentage of allowed cost justification.

The effective date of Special Rule No. 5 is 11:59 p.m., e.s.t., January 25, 1974.

Category I firms may continue to submit prenotification documents which will be held in abeyance pending the Council's further review of prices and costs in this industry. A firm may seek relief through the Council's exceptions procedures if it is unable to increase prices under the new special rule.

In addition, the Council has exempted from price controls the prices charged for products listed in SIC Group No. 331 by steel manufacturers whose annual sales or revenues derived from the sale of those products in total are less than $50 million. The Council believes that by exempting the prices in this relatively small sector of the steel industry, which relies on large integrated steel firms for their raw materials, the firms concerned will be better able to compete in domestic markets. It is noted that these firms are largely concentrated in that sector of the industry which fabricates end-use products which are in short supply.

This exemption applies without regard to the number of employees of the firm. It does not affect the small business exemption under § 150.60.

Because the purpose of these amendments is to grant both immediate guidance with respect to decisions of the Council and an immediate exemption from the Phase IV price regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., January 25, 1974.

Issued in Washington, D.C., on January 25, 1974.

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

1. Subpart J is amended by adding at the end thereof a new appendix which reads as follows:

APPENDIX—SPECIAL RULE NUMBER 5

1. *Applicability.* This special rule applies to all firms engaged in manufacturing one or more of the products listed in the Standard Industrial Classification Manual, 1972 edition, under Group No. 331 (hereinafter referred to as steel products).

2. *Prenotification Forms submitted prior to January 1, 1974.* A price increase relating to steel products pursuant to any prenotification form submitted to the Council prior to January 1, 1974, may be charged in accordance with this appendix, subject to any modification of the proposed price increase and any other terms and conditions specified in the decision and order issued by the Council in response to that prenotification form submitted.

3. *Prenotification Forms Submitted on or after January 1, 1974.* All price increases relating to steel products pursuant to any prenotification form submitted to the Council on or after January 1, 1974, are hereby deferred pursuant to § 150.220 of this title and may not be charged until further notice.

4. *Waiver of Item Maximum Rule.* The rule in § 150.74(b) of this title concerning the maximum price which may be charged for any one item in the product line concerned shall not apply with respect to an increased price charged by any firm relating to steel products.

5. *Effective date.* The effective date of this appendix is 11:59 p.m., e.s.t., January 25, 1974.

2. Section 150.54 is amended by adding a new paragraph (cc) which reads as follows:

§ 150.54 Certain price adjustments.

* * * * *

(cc) *Certain steel products.*—(1) *Applicability.* This paragraph applies only to (i) firms engaged in manufacturing one or more of the products listed in the Standard Industrial Classification Manual, 1972 edition, under Group No. 331, and which derive in total less than $50 million in annual sales or revenues from the manufacture and sale of those products, and (ii) those products.

(2) *Rule.* The sale by a firm of the products to which this paragraph applies is exempt.

(3) *Effective date.* This exemption applies to transactions after January 25, 1974.

[FR Doc.74-2471 Filed 1-25-74;4:45 pm]

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Exemption of Tax-Exempt Organizations

The purpose of these amendments is to exempt the prices charged by most nonprofit organizations under the Phase IV price regulations and to add a parallel exemption under the Phase IV pay regulations. To effect these changes, a new paragraph (bb) is added to § 150.54 and a new § 152.40d is added to the Economic Stabilization Regulations.

With certain exceptions discussed below, this exemption is generally applicable to price and pay adjustments in organizations that have been determined by the Internal Revenue Service to be exempt from Federal income taxation under section 501(a) of the Internal Revenue Code of 1954. A list of most types of tax exempt organizations is set forth in section 501(c) of the Code. For convenience, an abbreviated list of such organizations is set forth below:

(1) Certain corporations organized under Acts of Congress. (This does not include independent establishments, such as the U.S. Postal Service, that operate on a fund or similar basis to perform governmental or quasi-governmental services).

(2) Certain corporations that hold title to property for the benefit of other tax-exempt organizations.

(3) Religious, charitable, scientific, and educational organizations. (See the discussion below with respect to the treatment of firms in the health industry.)

(4) Civic leagues and local associations of employees.

(5) Labor, agricultural and horticultural organizations.

(6) Business leagues, chambers of commerce, boards of trade, and real estate boards.

(7) Pleasure and recreational clubs.

(8) Fraternal beneficiary societies operating under the lodge system that provide life, sick, or accident benefits to members.

(9) Voluntary employees' beneficial associations that provide life, sick, or accident benefits to members.

(10) Other fraternal beneficiary societies devoted to religious, charitable, scientific, literary, educational, and fraternal purposes.

(11) Teachers' retirement funds of a purely local character.

(12) Local benevolent life insurance associations.

(13) Nonprofit cemetery companies.

(14) Credit unions and certain other mutual associations.

(15) Certain mutual insurance companies.

(16) Certain corporations organized to finance crop operations of members.

(17) Certain trusts providing for the payment of supplemental unemployment compensation benefits.

(18) Certain pension trusts.

The exemption from Federal income taxation under Section 501(a) of the Code is applicable to religious and apostolic groups (Section 501(d)) and certain employee trust funds (Section 401(a)), as well as those organizations listed in Section 501(c). The exemption of certain employee trust fund organizations from economic controls in no way affects the wage controls that are retained over employer contributions to the funds administered by such organizations. These contributions remain subject to rules provided in Part 152.

Firms that qualify for Federal tax exempt status are generally non-commercial and non-profit in nature and serve a socially desirable function. Dues paid to those which operate on a membership basis are already exempt. Many tax-exempt organizations are already exempt from economic controls because of their small size. In addition, the small size of most exempt firms means that their price and pay activities have only minimal impact on the cost of living. A significant proportion of employees of tax-exempt organizations earn less than $3.50 per hour and are therefore already exempt from wage controls. For these reasons, the Cost of Living Council feels that it is appropriate to remove controls from most such firms.

This exemption from economic controls does not apply to price or pay adjustments made by organizations in the health industry or to rate increases made by insurance companies, even if the firms are tax exempt. The health and insurance industries have great impact on the economy, and the Cost of Living Council does not deem it advisable to exempt such industries at this time. Therefore health industry prices and insurance industry rates remain subject to the mandatory controls of Subparts M, O, and R of Part 150. Health industry pay adjustments remain subject to Subpart I of Part 152. Although price and pay adjustments involving hospitals and most other health care providers are not exempted from economic controls by these amendments, price and pay adjustments involving certain health care providers were exempted by § 150.57 of the Price Regulations and § 152.40b of the Pay Regulations, issued on January 16, 1974. Such price and pay adjustments remain exempt from controls whether or not the organization is tax exempt.

Since non-profit trade associations and employee associations involving health-related firms or employees of such firms are not considered providers of health care, such associations are exempted by this amendment.

The exemption provided in new § 150.54(bb) is in addition to the exemption previously given to dues paid to non-profit organizations under § 150.55(b).

The Council retains the authority to reestablish price and wage controls over any of the organizations or industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV rules.

Because the purpose of this amendment is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective January 25, 1974.

Issued in Washington, D.C. on January 25, 1974.

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

1. In 6 CFR Part 150, § 150.54 is amended by adding a new paragraph (bb) which reads as follows:

§ 150.54 Certain price adjustments.

* * * * *

(bb) *Tax exempt organizations.* (1) Except as provided in paragraph (bb)(2) of this section, prices charged by a firm that is determined to be exempt by the Internal Revenue Service from Federal income taxation under Section 501(a) of the Internal Revenue Code are exempt.

(2) The exemption provided by paragraph (bb)(1) of this section shall not apply to prices charged by firms in the health industry or to insurance rates. Organizations in the health industry remain subject to Subpart O or R of this part, as appropriate; however, the exemption provided in § 150.57 shall continue to apply. Insurance rates remain subject to Subpart M of this part.

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

§ 152.40d Tax exempt organizations.

(a) *Exemption.* Except as provided in paragraph (b) of this section, pay adjustments affecting employees of a firm that is determined by the Internal Revenue Service to be exempt from Federal income taxation under Section 501(a) of the Code are exempt from and not limited by the provisions of this title.

(b) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to pay adjustments affecting employees in the health industry subject to the provisions of Subpart I of this part. However, the exemption provided in § 152.40b shall continue to apply.

(c) *Effective date.* The exemption provided in paragraph (a) of this section shall be applicable to pay adjustments with respect to work performed on and after January 25, 1974.

[FR Doc.74-2394 Filed 1-25-74;11:10 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. No. 23]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program

Part 271 of Chapter II, Title 7 of the Code of Federal Regulations is amended by adding a new § 271.10. The amendment implements the provisions of Public Law 93-233 which amends the Food Stamp Act of 1964 as amended (78 Stat. 703, as amended; 7 U.S.C. 2011-2025), concerning eligibility and certification of supplemental security income recipients.

In view of the need for placing this amendment into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this amendment. This amendment reads as follows:

§ 271.10 Eligibility and certification of supplemental security income recipients.

(a) Notwithstanding any other provisions of this subchapter, recipients of supplemental security income (SSI) payments shall be treated according to the provisions of this section for purposes of determining eligibility for and certification in the program. The provisions of this section will expire June 30, 1974.

(b) *Definitions.* For the purposes of this section the following definitions shall apply:

(1) "Supplemental security income (SSI)" means supplemental security income payments made under Title XVI of the Social Security Act, State supplemental payments made under section 1616 of that Act or payments made under Section 212(a) of Public Law 93-66.

(2) "Supplemental security income (SSI) recipient" means an individual or an individual and his eligible spouse who receives supplemental security income.

(3) "Essential person" means an individual who is considered an essential person under the terms of Public Law 93-66.

(c) *Food stamp eligibility of SSI recipients*—(1) *Ineligible SSI recipients.* (i) No SSI recipient shall be considered a household member or an elderly person for food stamp program purposes if he resides in the States of California, Massachusetts, Nevada (only applies to aged and blind), New York and Wisconsin. The Secretary of Health, Education, and Welfare has determined, pursuant to the provisions of Public Law 93–233, that such States provide State supplementary payments which have been specifically increased to include the value of bonus food coupons. The letter constituting this determination is published herewith.

(ii) SSI recipients in such States shall be terminated from participation in the program immediately, inasmuch as the statutory provisions requiring this result became effective January 1, 1974.

(iii) In such States the income and resources of an SSI recipient who resides with eligible household members or elderly persons shall not be considered available to the household members or elderly persons (except as provided in paragraph (c) (3) (ii) of this section), nor shall his presence be considered in determining the household coupon allotment and purchase requirement. In such instances any payment for a deductible expense made on behalf of the household by the ineligible SSI recipient shall not be counted as income to the household nor shall the household be allowed a deduction for such expense. If deductible household expenses are shared among household members and an ineligible SSI recipient, the household shall be granted a deduction based on that proportion of the expense which is actually borne by the household.

(2) *Eligible SSI recipients.* (i) In States other than those specified in (c) (1) (i) of this section, SSI recipients shall be considered household members or elderly persons. If otherwise eligible under this subchapter households consisting solely of SSI recipients or of an SSI recipient and an essential person shall be eligible to participate in the program without regard to the income and resources of the household. The State agency shall provide for the certification of such households according to the terms of § 271.4(a) (2).

(ii) In States where SSI recipients are considered household members or elderly persons, (*a*) households which consist exclusively of SSI recipients (or an SSI recipient and an essential person) and individuals who are recipients of federally aided public assistance or general assistance shall be classified as public assistance households and (*b*) households which consist of SSI recipients and individuals who are not exclusively recipients of federally aided public assistance or general assistance shall be classified as nonpublic assistance households and shall be subject to the regular program income and resource standards of eligibility.

(3) *Essential persons.* (i) If otherwise eligible under this subchapter, an essential person shall be considered a household member or an elderly person for purposes of participation in the program.

(ii) The amount of the SSI payment made on behalf of such essential person shall be counted as income available to the household.

(d) *Matching.* Time spent in certification of households consisting entirely or partially of SSI recipients shall be coded separately by the State agency. Costs incurred by the State agency in the food stamp certification of AFDC recipients whose households also include SSI recipients or an SSI recipient and an essential person shall continue to be claimed from the Department of Health, Education and Welfare in the same manner as households consisting entirely of AFDC recipients. Costs incurred by the State agency in the certification of households consisting solely of SSI recipients or of SSI recipients and individuals who are not exclusively recipients of federally aided public assistance or general assistance shall be reimbursed by the Department of Agriculture pursuant to § 271.2.

(78 Stat. 703, as amended; 7 U.S.C. 2011–2025)

Effective date. This amendment shall be effective on January 30, 1974, and shall be implemented immediately without regard to any other provisions of this subchapter.

CLAYTON YEUTTER,
Assistant Secretary.

JANUARY 18, 1974.

(Catalog of Federal Domestic Assistance Programs No. 10.551, National Archives Reference Services)

THE HONORABLE EARL L. BUTZ,
Secretary of Agriculture,
Washington, D.C. 20250.

JANUARY 25, 1974.

DEAR MR. SECRETARY: On January 16, 1973, I determined that the States of California, Hawaii, Massachusetts, New York, and Wisconsin provide supplementary payments which meet the criteria set forth in Sections 8(b) and 8(c) of Public Law 93–233. On that date I also determined that the State of Nevada provides such payments but only to the aged and blind.

I have informed each of the aforementioned States of my decision and given each State the opportunity to exercise the option afforded them by Section 8(c) (2) of Public Law 93–233. The States of California, Massachusetts, Nevada, New York, and Wisconsin have elected to exercise this option for the period January 1, 1974, through June 30, 1974 and they will retain the bonus value of food stamps in their adjusted payment levels. The State of Hawaii has decided not to retain the bonus value of food stamps in its adjusted payment level.

Therefore, it is my understanding that as a result of these actions taken by the States themselves, recipients of State supplementary payments residing in California, Massachusetts, Nevada, New York, and Wisconsin will not be eligible to participate in certain food assistance programs of the Department of Agriculture.

Sincerely,

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

[FR Doc.74-2472 Filed 1-29-74;8:45 am]

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

[Orange Reg. 72, Amdt. 5; Export Reg. 23, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Grade and Size Standards

These amendments lower the minimum grade requirements applicable to fresh shipments of Murcott Honey oranges, grown in the production area in Florida, to those grading Florida No. 1 Golden. These amendments also lower the minimum diameter requirements to 2$^{9}/_{16}$ inches for domestic shipments of Murcott Honey oranges and 2$^{11}/_{16}$ inches for export shipments of such oranges. The specification of such lower minimum grades and sizes for Florida Murcott Honey oranges is necessary to satisfy the current and prospective demand for such oranges. The amended regulations recognize the quality of much of the Murcott Honey oranges currently available for fresh shipments. This action will permit shipment of a high percentage of such fruit and increase the supply to domestic consumers and for export.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Less restrictive grade and size limitations on domestic and export shipments of Murcott Honey oranges are consistent with the external appearance and available supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of these amendments until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; and these amendments relieve restrictions on the handling of Murcott Honey oranges grown in Florida.

Order. 1. The provisions of paragraph (b) (7) and (b) (8) and paragraph (c) of

§ 905.550 (Orange Regulation 72; 38 F.R. 25665, 28063, 31414, 34454, 34986) are amended to read as follows:

§ 905.550 **Orange Regulation 72.**

* * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1 Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

* * * * *

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in sec. (1) (b) of Regulation 105–1.02, as amended, of the regulations of the Florida Citrus Commission, and all other terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1182) or the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

* * * * *

2. In § 905.554 (Export Regulation 23; 38 FR 25665, 28063) the provisions of paragraph (b) (7) and (b) (8) and paragraph (c) are amended to read as follows:

§ 905.554 **Export Regulation 23.**

* * * * *

(b) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least Florida No. 1, Golden Grade;

(8) Any Murcott Honey oranges, grown in the production area, which are of a size smaller than 2$^{9}/_{16}$ inches in diameter, except that a tolerance for undersize Murcott Honey oranges shall be permitted as specified in § 51.1818 of the United States Standards for Florida Tangerines;

* * * * *

(c) Terms used in the amended marketing agreement and order, including Improved No. 2 grade, shall, when used herein, have the same meanings as are given to the respective terms in said amended marketing agreement and order; Florida No. 1 Golden Grade shall have the same meaning as provided in Sec. (1) (b) of Regulation 105–1.02, as amended, of the regulations of the Florida Citrus Commission, and all other terms relating to grade, except Improved No. 2 grade, and diameter, as used herein shall have the same meanings as are given to the respective terms in the following United States Standards, as applicable: United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1182), United States Standards for Florida Grapefruit (7 CFR 51.750–51.784), or the United States Standards for Florida Tangerines (7 CFR 51.1810–51.1835).

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

Dated: January 25, 1974, to become effective January 28, 1974.

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

[FR Doc.74–2483 Filed 1–29–74;8:45 am]

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

[Milk Order No. 64]

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and of the order regulating the handling of milk in the Greater Kansas City marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 1606) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that with respect to producer milk deliveries during February through July 31, 1974, the following provisions of the order do not tend to effectuate the declared policy of the Act and are, therefore, suspended:

1. Section 1064.19, *Base milk and excess milk.*

2. In § 1064.22, *Additional duties of the market administrator,* the reference in paragraph (j) (2) "and § 1064.72"; and paragraph (o) in its entirety.

3. In § 1064.30, *Reports of receipts and utilization,* the parenthetical phrase in paragraph (a) "(for each of the months of February through July, the pounds of base and excess milk received from each producer)".

4. In § 1064.31, *Payroll reports,* the part of paragraph (a) that reads "including, for each month of February through July, such producer's deliveries of base milk and excess milk".

5. In § 1064.32, *Other reports,* the part of paragraph (b) that reads "For each month of February through July, the quantity of producer milk that is base milk and excess milk shall also be reported".

6. Section 1064.65, *Computation of daily base for each producer.*

7. Section 1064.66, *Daily base rules.*

8. In § 1064.71, *Computation of uniform price,* the part of paragraph (f) that reads "for the months of August through January".

9. Section 1064.72, *Computation of uniform prices for base milk and excess milk.*

10. In § 1064.80, *Time and method of payment,* the reference in paragraph (a) "or § 1064.72".

11. In § 1064.81, *Location differentials to producers and on nonpool milk,* the part of paragraph (a) that reads "and the uniform price for base milk pursuant to § 1064.72".

12. In § 1064.84, *Payment to the producer-settlement fund,* paragraph (b) in its entirety.

13. In § 1064.85, *Payments out of the producer-settlement fund,* the references "or (b) (2)" and "or (b) (1)".

STATEMENT OF CONSIDERATION

The base and excess plan is a method of apportioning the total value of milk in the market among producers on the basis of their marketings of milk during a representative period. The plan is intended to encourage seasonal adjustment of production.

For milk delivered in February through July each year, producers are paid on daily bases computed from their milk deliveries during September through December of the preceding year. If a producer delivers milk in excess of his base (excess milk), he is paid a price for this milk lower than for base milk. The excess milk price is computed by assigning all producers' excess milk to the lower classes of use in the market before any is assigned to the higher valued Class I. The value of the remaining class utilization determines the price of base milk.

During August through January producers are paid a uniform price representing the marketwide value of milk utilization in all classes.

Mid-America Dairymen, Inc., a cooperative association supplying the market has petitioned for temporary suspension of the base-excess plan for the months of February through July 1974. In its petition, the cooperative estimated that producers' daily bases this year will be considerably lower than a year before. The cooperative expressed concern that producers might cull their herds too closely to avoid marketing excess milk, thus further reducing total production, already substantially under a year before. Cooperative associations representing about 99 percent of the producers in this market support this suspension action. Two producers who oppose this suspension are affiliated with the cooperative requesting suspension. No other opposition to the suspension was presented.

While the plan is intended to encourage seasonal adjustment of production, unusual conditions have interfered with

producers' objectives under the plan. Breeding problems that producers have experienced in 1973 due to adverse weather conditions, or other reasons, obstructed efforts for herd management in accordance with the incentives the base-excess plan provides. In these circumstances the suspension of the base-excess plan for the temporary period will allow producers generally the opportunity during the February–July period to plan their production for the year unencumbered by bases not representative of normal production goals. They will have the assurance then of receiving a single uniform price for all their producer milk deliveries during each of the months, February through July.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it will facilitate the opportunity during the February–July 1974 period for producers to plan their production for the year;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective with respect to producer milk deliveries during the months of February through July 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of February through July 1974.

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

Effective date: January 30, 1974.

Signed at Washington, D.C., on: January 25, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-2484 Filed 1-29-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart O—Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

WATER AND WASTE DISPOSAL DEVELOPMENT GRANTS

Subpart O of Part 1823, Title 7, Code of Federal Regulations (38 FR 29036) is amended by adding regulations which set out the requirements for and authorizes making water and waste disposal development grants. The amendment adds §§ 1823.466 to 1823.469 inclusive, which were previously published in substantially the same form in the Code of Federal Regulations (37 FR 12036). Subpart A of Part 1823, under which the Farmers Home Administration previously made grants, was completely revised on October 18, 1973 (38 FR 29025) at which time the provisions relating to grants were removed. As now reissued, they are identical to, or substantially the same as they appeared prior to October 18, 1973. The title of Subpart O has been changed from "Grants for Facilitating Development of Private Business Enterprises" to "Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities" to reflect the foregoing amendment.

Inasmuch as the Farmers Home Administration previously made grants under these added sections, and since it is necessary to reinstate the regulations at once to enable the FHA to proceed with the making of needed grants and not deprive the public of immediate benefits, it is unneccessary and would be contrary to the public interest to delay the program by publishing notice of proposed rule making as provided by 5 U.S.C. 553(b) and (c).

In accordance with the spirit of the public policies set forth in (5 U.S.C. 553), interested persons may submit written comments, suggestions, data or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. However, this amendment shall remain effective until it is amended in order to permit the public business to proceed expeditiously.

As amended the new §§ 1823.466 to 1823.469 read as follows:

§ 1823.466 General—water and waste disposal development.

Sections 1823.467 to 1823.469 pertain only to those applications for grants to communities for water and waste disposal development that the Farmers Home Administration (FHA) had on hand at the time the grant program was discontinued on January 8, 1973.

§ 1823.467 Application processing.

Applications will be processed in accordance with applicable portions of present Subpart A of Part 1823, Title 7, Code of Federal Regulations and the following:

(a) *Determining need for development grant.* (1) In order that beneficial use of development grant funds may be made, a development grant will not be considered in docket preparation until the State Director has made a preliminary determination regarding the grant request. Such determination will be based on a review of the preliminary engineering report, a draft of the proposed budget, facts concerning income levels in the applicant community, emergency, health, economic, and other factors, and a comparison of proposed user charges with user charges of established systems of similar size and cost and ratio of residential user serving communities of similar economic circumstances.

(2) Development grants may be made to eligible associations to assist in financing specific projects for development, storage, treatment, purification, and distribution of domestic water, and the collection, treatment, or disposal of waste in rural areas where such grants are necessary to reduce average annual user charges to a reasonable level. Grants may be made to supplement funds provided by private sources or in connection with FHA loans for development.

(3) Grants may be made only when the cost of the proposed development would result in the user charges being excessive to the average residential user, and by the use of grant funds to reduce the amount of the applicant's share of the total project cost, the user charges would be lowered to a reasonable level. The following will be determined and considered in establishing a reasonable level and the amount of the development grant:

(i) The amount of the average annual residential user cost, including revenues from periodic charges, taxes, and assessments, without taking into consideration any FHA grant.

(ii) The amount of average annual residential user cost, including periodic charges, taxes and assessments, levied in connection with established systems of similar size and costs and percentage of residential users in communities of similar economic conditions.

(iii) The difference between the cost found in paragraph (a)(3)(i) and (ii) of this section. If the average annual residential user cost as determined in paragraph (a)(3)(i) of this section significantly exceeds that as determined in paragraph (a)(3)(ii) of this section, consideration may be given to a development grant.

(iv) Income levels in the community and emergency, health, economic, and other factors.

(b) *Use of grant funds.* Funds may be used in accordance with the following:

(1) *Water and waste disposal funds.* Development grant funds may be used only for the following purposes which represent a part of the development cost, except interest.

(i) *Domestic water and waste disposal facilities.* Install and improve central community domestic water and waste disposal facilities including:

(A) Facilities for the development, storage, treatment, purification, and distribution of water.

(B) Sanitary sewer facilities including collection lines, treatment plants, outfall lines, disposal fields, and stabilization ponds.

(C) Storm sewers for the collection and disposal of surface drainage.

(D) Solid waste disposal projects including facilities for the collection, treatment, or disposal of human, animal, agricultural, and other wastes. Items such as garbage trucks and equipment, sanitary landfills, and incinerators are included.

(ii) *Acquire land and rights.* Acquiring land, interest in land, and rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary to development of the facility.

(iii) *Buildings, fences, secondary facilities, and relocation.* (A) Construct buildings of modest design, size, and cost, and fences essential to the successful operation or protection of authorized facilities and to provide storage for tools and supplies needed to operate the facility, and secondary facilities such as gas or electric service lines to convey fuel or energy for, or utilities for, primary facilities.

(B) Relocate roads, bridges, utilities, fences, and other public or private improvements.

(iv) *Services and fees.* Pay costs incidental to establishment of such facilities or for services necessary in accomplishing any of the above purposes, including, but not limited to:

(A) Paying fees or other legal expenses of establishing a water right through appropriation, agreement, permit, or court decree.

(B) Paying for other services necessary in obtaining the grant, and in planning and completing the facilities to be financed.

(C) Acquiring a water supply by the purchase of water stock or membership in a water users association.

(c) *Grant limitations.* (1) Grant funds may not be used to:

(i) Pay for the construction of any new combined storm and sanitary sewer facilities.

(ii) Pay any annually recurring costs that are generally considered to be operation and maintenance expenses.

(iii) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.

(iv) Purchase firetrucks, hoses, and other firefighting equipment or construct housing for such equipment.

(v) Pay rental for the use of equipment or machinery owned by the association.

(vi) Pay for sales rooms and other purposes not directly related to operation and maintenance of the facility being installed or improved.

(vii) Finance any part of the development cost of any project unless the approval office determines that the project will serve a rural area which is not likely to decline in population below that for which the facility is designed.

(viii) Purchase existing systems.

(ix) Refinance existing indebtedness.

(x) Pay any portion of the cost of a facility in cases where the annual reserve based on a typical year exceeds one-tenth of the average annual debt service requirement unless State regulatory agencies require a larger reserve, or where operation and maintenance costs are unrealistic.

(xi) Pay interest.

(2) An FHA development grant may not be made in excess of 50 percent of the eligible development cost.

(3) Facilities previously installed will not be considered in determining the development costs. The amount of any FHA advance for planning previously made may be included in the development cost.

(d) *Ordering development grant checks.* The policy of FHA is not to disburse grant funds from the Treasury until they are actually needed by the applicant. If grant funds are available from other agencies and they are transferred to the Finance Office for disbursement by FHA, these grant funds should be used before FHA grant funds.

(e) *Obtaining development grant agreement.* Form FHA 442–31, "Association Water or Sewer System Grant Agreement," will be completed and executed in accordance with requirements of approval and closing instructions. Both County Supervisors and State Directors are authorized to sign the grant agreement on behalf of the FHA. For grants that supplement FHA loan funds, the grant should be closed simultaneously with the closing of the loan. The grant will be considered closed when Form FHA 442–31 has been properly executed. The original should be forwarded to the Finance Office immediately after execution.

§ 1823.468 Eligibility.

To be eligible for water and waste disposal development grant assistance an applicant must meet the requirements of § 1823.2 of Subpart A of Part 1823, Title 7, Code of Federal Regulations.

§ 1823.469 Compliance with comprehensive water and waste disposal development plan and other regulatory requirements.

Each grant shall meet the requirements of § 1823.10 of Subpart A of Part 1823, Title 7, Code of Federal Regulations and the following: No grant shall be made in connection with any project unless the project (a) will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed, (b) is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area, and (c) is necessary for an orderly community development consistent with a comprehensive community water, waste disposal, or other development plan of the rural area in which the project is located.

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70.)

Effective date. This amendment is effective on January 30, 1974.

Dated: January 24, 1974.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74–2398 Filed 1–29–74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—BUREAU OF THE COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 4—DESCRIPTION OF OFFICE, PROCEDURES, PUBLIC INFORMATION

Miscellaneous Amendments

Part 4, Chapter I, Title 12 of the Code of Federal Regulations is amended as follows:

1. Paragraph (a) of § 4.1a by revising subparagraphs (3) and (16) and by renumbering subparagraph (16) and (10) through (15) as subparagraphs (10) through (16) to show changes of titles and duties of officers;

2. Paragraph (b) of § 4.1a by revising subparagraph (1) to show the new office address for Region No. 12;

3. Section 4.13 by revising paragraph (a) to show the numbered forms currently in use;

4. Section 4.14 by revising paragraph (b) to show the publications of the Comptroller of the Currency which are available to the public and how copies may be obtained;

5. Section 4.18 by revising the last sentence of paragraph (c) to clarify the prohibition against disclosure of reports of examination.

These amendments are issued under authority of the national banking law (12 U.S.C. 1 et seq.) and 5 U.S.C. 552. Since the amendments add information to and clarify the regulation describing office organization, procedures and the availability of public information, notice and public procedure are found to be unnecessary and not in the public interest. Accordingly, the amendments will become effective upon publication. Changes in the text are as follows:

§ 4.1a Central and field organization; delegation.

(a) *Central Office* * * *

(3) *Deputy Comptroller (Administration).* The Deputy Comptroller of the Currency for Administration performs such duties as the Comptroller prescribes, including general supervision of all internal administrative matters. He is assisted by an Assistant Deputy Comptroller of the Currency for Administration, who is also the Director of Fiscal Management, and by Directors of Administrative Services, Internal Audit, Management Services, and Personnel Management.

* * * * *

(10) *Deputy Comptroller (International).* The Deputy Comptroller of the

Currency for International Banking performs such duties as the Comptroller prescribes relating to the international activities of national banks. He supervises all examining personnel assigned to examine the foreign offices of national banks. He is in charge of the International Division and is aided by a Director, International Operations, a Chief, Foreign Examinations, and a London staff.

(11) *Deputy Comptroller (F.D.I.C. Affairs).* * * *

(12) *Director, Program Planning.* * * *

(13) *Special Assistant (Congressional Affairs).* * * *

(14) *Special Assistant (Public Affairs).* * * *

(15) *Special Assistant.* * * *

(16) *Bank Organization Director.* * * *

* * * * *

(b) *Field offices.* (1) Fourteen national bank regions cover the United States, Guam, Puerto Rico, and the Virgin Islands. The office address of and the geographical area covered by each is as follows:

Region No.	Area within region	Office address
1	Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	J. F. Kennedy Federal Bldg., room 1600, Boston, Mass. 02203.
2	New York, New Jersey, Puerto Rico, Virgin Islands.	33 Liberty St., room 520, New York, N.Y. 10005.
3	Pennsylvania, Delaware.	3 Parkway, Suite 1316, Philadelphia, Pa. 19102.
4	Indiana, Ohio, Kentucky.	1 Erieview Plaza, Cleveland, Ohio 44114.
5	West Virginia, Maryland, Virginia, North Carolina, District of Columbia.	Federal Office Bldg., 400 North 8th St., room 5215, Richmond, Va. 23240.
6	South Carolina, Georgia, Florida.	1510 First National Bank Bldg., 2 Peachtree St. NW., Atlanta, Ga. 30303.
7	Illinois, Michigan	164 West Jackson Blvd., room 715, Chicago, Ill. 60604.
8	Arkansas, Tennessee, Louisiana, Mississippi, Alabama.	165 Madison Ave., room 1900, Memphis, Tenn. 38103.
9	North Dakota, South Dakota, Minnesota, Wisconsin.	822 Marquette Ave., room 300, Minneapolis, Minn. 55402.
10	Nebraska, Kansas, Iowa, Missouri.	911 Main St., Suite 2616, Kansas City, Mo. 64105.
11	Oklahoma, Texas	1401 Elm St., Suite 4500, Dallas, Tex. 75202.
12	Wyoming, Colorado, Utah, New Mexico, Arizona.	1600 Broadway, Suite 1800, Denver, Colo.
13	Washington, Oregon, Idaho, Montana, Alaska.	707 Southwest Washington St., room 900, Portland, Oreg. 97205.
14	California, Nevada, Hawaii, Guam.	555 California St., Suite 3939, San Francisco, Calif. 94104.

§ 4.13 Forms and instructions.

a. *Numbered Forms.* The following numbered forms of the Comptroller of the Currency are currently in use:

CC 1400–OX: Officers' Direct and Indirect Indebtedness to Own and/or Other Banks.
CC 1401–OX: Verifying Balances, Public Officials.
CC 1402–OX: Verification of Collateral.
CC 1403–OX: Verification of Series E Bonds.
CC 1404–OX: Request for Detailed Statement of Account.
CC 1405–OX: Transmitting Copy of Electronic Data Processing Report of Examination Independent Servicer.
CC 1406–OX: Transmitting Copy of Electronic Data Processing Report of Examination Servicer-Bank.
CC 1407–OX: Requesting Statement of Account of Correspondent.
CC 1408–OX: Request for Bank Statement.
CC 1409–OX: Cash Sheet.
CC 1410–OX: Due from Bank Reconcilement.
CC 1411–OX: Transcript of Account.
CC 1412–OX: Verification Sheet.
CC 1413–AX: Verification of Loan Participants.
CC 1413–OX: Verification Notes Forwarded for Collection.
CC 1422–OX: National Bank Examiner's Seal.
CC 1423–OX: Transmitting Copy of Report of Examination.
CC 1424–OX: Assets to be Charged off by National Bank Examiner.
CC 1425–BX: Report of Examination—Branch.
CC 1425–CX: Examination Report (Cover).
CC 1425–FX: Branch Policies and Practices.
CC 1425–OX: Report of Examination.
CC 1426–BX: Confidential Information of the Comptroller of the Currency.
CC 1426–OX: Confidential Memorandum to the Comptroller of the Currency.
CC 1431–OX: Examiner to Cashier Inclosing Checks.
CC 1432–OX: Special Report to Bank Examiner.
CC 1435–DP: Cashier's Report to Bank Examiner (City Banks).
CC 1435–OX: Cashier's Report to Bank Examiner (City Banks).
CC 1440–OX: Report of the Condition of the Trust Department.
CC 1450–OX: Electronic Data Processing Examination Report.
CC 1455–OX: Examination of National Banks Receiving Electronic Data Processing Servicing.
CC 1465–OX: Report of Examination-Operating Subsidiary.
CC 1930–OX: Report of Investigation of a Branch Application.
CC 1956–OX: Primary Organization—Investigation Report.
CC 6043–02: Bill for Special Services.
CC 6043–03: Bill for Charges for Copies of National Bank Examination Reports Furnished.
CC 6043–04: Copies of Reports of Examination of National Banks Furnished for the Period Ended _____.
CC 6046–02: Bond for Lost Receiver's Certificate and in Lieu of Administration.
CC 6046–03: Affidavit of Loss of Receiver's Certificate.
CC 6046–04: Bond in Lieu of Administration.
CC 6046–05: Affidavit Relative to Death of Claimant.
CC 6046–06: Received from the Comptroller of the Currency.
CC 6046–07: Release.
CC 7021–01: New Bank Cards.
CC 7021–02: Record of Capital Increases and Decreases (Completed During _____).
CC 7021–03: Competitive Report.
CC 7021–04: Financial Report.
CC 7021–05: Biographical Report.
CC 7022–06: Offical Signatures of Officers.
CC 7022–07: Certificate of Payment of Capital Stock and Compliance with Legal Requirements.
CC 7022–08: Joint Oath of Directors.
CC 7022–09: Oath of Director.
CC 7022–10: List of Directors.
CC 7022–11: List of Interim Directors.
CC 7022–12: Organization Certificate.
CC 7022–13: Application to Convert a State Bank into a National Banking Association.
CC 7022–14: Appointment of Agent.
CC 7022–15: Supplement: Application to Organize a National Bank and Representations of Applicants.
CC 7022–16: Application to Organize a National Bank and Representations of Applicant.
CC 7022–17: Articles of Association (Conversion).
CC 7022–18: Summary of Information to be Submitted to the Regional Comptroller of the Currency within 30 days after the Filing of an Application to Organize a National Bank.
CC 7022–19: Advice of Commencement of Business of National Bank.
CC 7022–20: Authority for Conversion of State Bank.
CC 7022–21: Organization Certificate (Conversion).
CC 7022–22: Articles of Association.
CC 7023–03: Certificate of Completed Changes in Outstanding Capital Notes.
CC 7023–04: Amended Articles of Association.
CC 7023–05: Application for an Increase in Capital by Sale of Additional Common Stock.
CC 7023–06: Application for an Increase in Capital by Issuance of a Stock Dividend.
CC 7023–07: Secretary's Certificate (Sale).
CC 7023–08: Secretary's Certificate (Sale and Change in Par Value).
CC 7023–09: Secretary's Certificate (Par Value).
CC 7023–10: Secretary's Certificate (Authorized but Unissued Stock).
CC 7023–11: Certificate of Payment for Additional Common Stock.
CC 7023–12: Certificate of Payment for Additional Common Stock (For Assets).
CC 7023–13: Certificate of Payment for Capital Debentures.
CC 7023–14: Certificate of Conversion of Capital Notes.
CC 7023–15: Issuance of Preferred Stock Certificate of Payment.
CC 7023–16: Certification of Declaration of Stock Dividend.
CC 7023–17: Secretary's Certificate.
CC 7023–18: Secretary's Certificate (Stock Dividend, Sale and Change in Par Value) (Combination).
CC 7023–19: Secretary's Certificate (Stock Dividend).
CC 7023–20: Proxy Sheet.
CC 7023–21: Certificate and Certification.
CC 7023–22: Application for Authorized but Unissued Stock.
CC 7023–23: Secretary's Certificate (Stock Dividend and Sale).
CC 7023–24: Secretary's Certificate (Stock Dividend and Change in Par Value).
CC 7023–25: Secretary's Certificate (Increase in Capital by way of a Change in Par Value).
CC 7023–26: Secretary's Certificate (Sale and Authorized but Unissued Stock).
CC 7023–27: Certificate of Approval (For Increase in Common Stock).
CC 7023–28: Certification of Increase in Capital by a Change in Par Value.
CC 7023–29: Certificate of Approval for Increase in Capital Stock.
CC 7023–30: Ownership Change Card.
CC 7023–31: Change in Ownership of National Bank.
CC 7024–01: Application for Permission to Establish a Branch.
CC 7024–02: Branch Charge-out Card.
CC 7024–03: Permanent Branch Card.
CC 7024–04: Proposed Branch Location Map.
CC 7024–05: Protest Sheet.

CC 7024–06: Summary of Information to be Submitted to the Regional Administrator of National Banks within 30 days after Filing of an Application to Establish a Branch.
CC 7024–16: Approval for Change of Address of a Branch.
CC 7024–18: Approval for Change of Location of a Branch.
CC 7025–01: Secretary's Certificate (Merger § 1828(c)).
CC 7025–02: Application for a Change in Location of Head Office or Branch.
CC 7025–03: Bylaws.
CC 7025–04: Publication of Notice of Liquidation.
CC 7025–05: Notice of Proposed Bank Merger, Bank Consolidation, Acquisition of Bank Assets or Assumption of Liabilities.
CC 7025–06: Notice of Meeting of Shareholders.
CC 7025–09: Shareholders' Meeting.
CC 7025–10: Application for Approval to (Merge, Consolidate, Purchase).
CC 7025–11: General Information and Instructions for the Preparation of an Application for Approval to Effect a Consolidation, Merger.
CC 7025–12: Secretary's Certificate (Ratification).
CC 7025–13: Agreement of Consolidation.
CC 7025–14: Application for a Change of Title.
CC 7025–15: Agreement to Merge.
CC 7025–16: Report of Progress of Liquidation.
CC 7025–17: Notice of Meeting of Shareholders (Voluntary Liquidation).
CC 7025–18: Purchase Agreement.
CC 7025–21: Affidavit of Publication of Charter.
CC 7025–22: Resolution for Voluntary Liquidation.
CC 7025–23: Resolution for Voluntary Liquidation.
CC 7025–24: Notice of Meeting of Shareholders (Purchase and Sale).
CC 7500–01: Common Trust Fund Survey.
CC 7510–01: Application of National Banks for Fiduciary Powers.
CC 7510–02: Application of Converting Bank for Fiduciary Powers.
CC 7510–03: Trust Department Annual Report.
CC 7610–01: Notice of International Activity.
CC 7610–02: Report of International Activity.
CC 8010–03: Violation of Law.
CC 8010–04: Summary of Bank Shortages Reported to United States Attorney During the Year of 19____.
CC 8010–05: Form F–7, Initial Statement of Beneficial Ownership of Securities:
CC 8010–06: Form F–8, Statement of Changes in Beneficial Ownership of Securities.
CC 8013–02: Discosure Check List (Truth in Lending).
CC 8022–01: Foreign Branch Report of Condition.
CC 8022–03: Computation of Weekly Average Reserve to be Carried Two Weeks Hence with Approved Reserve Agencies by Nonmember Banks and Trust Companies in the District of Columbia.
CC 8022–04: Bank Liquidity Analysis.
CC 8022–05: Consolidated Report of Condition (White) (Domestic Only).
CC 8022–06: Consolidated Report of Condition (Green) (Domestic Only).
CC 8022–08: Form Letter for Reporting Corrections on Bank's Report of Income and Dividends.
CC 8022–11: Report of Reserve Held.
CC 8022–12: Schedule K Memorandum Supplement to Domestic Officers Report of Condition.
CC 8022–14: Consolidated Report of Income (Including Domestic Subsidiaries).
CC 8022–18: Consolidated Report of Condition (White) (Including Domestic and Foreign Subsidiaries).
CC 8022–19: Consolidated Report of Condition (Green) (Including Domestic and Foreign Subsidiaries).
CC 8022–20: Report of Condition Schedule B Par Value of Securities Issued by the U.S. Treasury and by other U.S. Government Agencies.
CC 8022–21: Acquisition Guidance Letter Consolidated Report of Income.
CC 8022–22: Supplemental Information—Report of Condition (Form Letter).
CC 8022–23: Report of Net Deposits and Reserve Required of Nonmember banks in the District of Columbia.
CC 9000–01: External Crimes Against National and District Banks.
CC 9010–01: Reproduction and Distribution of Documents: Instructions.
CC 9030–01: Report of Security Devices.
CC 9030–02: Report of Crime.
CC 9030–03: Analysis of Earnings and Expenses.
CC 9030–04: Equal Opportunity Report.
CC 9030–05: Record of Defalcation.
CC 9030–06: Report of Pledged National Bank Stock.
CC 9030–07: Report of Officers' Borrowings at other Banks.
CC 9030–08: National Banks' Defalcations of $10,000 or More.
CC 9030–16: Visitation Report.
CC 9030–20: Comment Sheet.
CC 9030–21: Analysis Sheet.
CC 9030–22: Liquidity Analysis Sheet.
CC 9030–23: Regional Map (Large).
CC 9030–24: Regional Map (Small).

§ 4.14 Publications available to public.

* * * * *

(b) *Other publications.* The following publications of the Comptroller of the Currency are available to the public:

(1) Comptroller's Manual for National Banks.

(2) Comptroller's Manual for Representatives in Trusts.

(3) Duties and Liabilities of Directors of National Banks.

(4) Fiduciary Powers of National Banks and Collective Investment Funds.

(5) Annual Report of the Office of the Comptroller of the Currency.

(6) Banking Competition and the Banking Structure, reprints of articles from the National Banking Review.

(7) The National Banking Review, (Final issue June 1967. Back issues are available in limited supply).

(8) National Banks and the Future.

(9) The Comptroller and Bank Supervision: A Historical Appraisal.

(10) Commercial Bank Entry into Revenue Bond Underwriting.

(11) World Banking: The Challenges of a Career as a National Bank Examiner.

(12) Directory, Office of the Comptroller of the Currency.

(13) Summary of Actions, a monthly summary of actions taken upon all applications for new national bank charters, branches, mergers, consolidations, purchases of assets, assumptions of liabilities, changes of name or location of head office or branch, and conversions from State to national bank.

(14) Criminal Assaults on Banks.

(15) Staff Report Series: Bank Trusts: Investments and Performance.

(16) Comptroller's Handbook of Examination Procedures.

(17) Comptroller's Handbook of EDP Examination Procedures.

The publications referred to in this paragraph are available for inspection at the office of each National Bank region and at—

The Treasury Library, Room 5030, Main Treasury Building, Washington, D.C. 20220.

To purchase or otherwise obtain a copy of publications referred to in subparagraphs (1) through (17) of this section, write to—

Publications Control Office, Office of the Comptroller of the Currency, Washington, D.C. 20220.

§ 4.18 Other rules of disclosure.

* * * * *

(c) *Financial institutions.* The Comptroller of the Currency makes available to each national bank and, in some cases, to holding companies thereof, a copy of the report of examination of such bank or company. The report of examination is the property of the Comptroller and is loaned to the bank or holding company for its confidential use only. Under no circumstances shall the bank or holding company or any director, officer or employee thereof make public or disclose in any manner the report of examination or any portion of the contents thereof to any person or organization not officially connected with the bank as officer, director, employee, attorney, auditor, or independent auditor. Any other disclosure or use of this report except as expressly permitted by the Comptroller of the Currency may be subject to the penalites provided in 18 U.S.C. 641.

Dated: January 24, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–2451 Filed 1–29–74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

Grant and Loan Program

Part 309 of Chapter III of Title 13 of the Code of Federal Regulations (38 FR 2287) is amended to expand the sections dealing with conflict of interest and penalties.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking and opportunity for public participation are inapplicable.

Sections 309.7 and 309.8 are amended to read as follows:

§ 309.7 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No application for financial assistance shall be approved by EDA under section 101, 201, 202, 301, or 403 of the Act unless the applicant:

(1) Certifies to EDA the names of any attorneys, agents, and other persons engaged by or on behalf of such applicant for the purpose of expediting applications made to EDA for assistance of any sort, under this Act, and the fees paid or to be paid to any such person, and

(2) Executes an agreement to refrain from employing, tendering any office or employment to, or retaining for professional services, any person who, on the date such assistance or any part thereof was rendered, or within 1 year prior thereto, shall have served as an officer, attorney, agent, or employee, occuping a position or engaging in activities which EDA shall have determined involves discretion with respect to the granting of assistance under this Act. Such agreement will be binding on the applicant for a period of 2 years after EDA financial assistance is rendered.

(b) Definitions: as used in this section:

"Applicant" means all applicants including public and private. Private applicants include profit and non-profit enterprises.

"Positions involving discretion" means the Assistant Secretary, Deputy Assistant Secretaries for Economic Development, Economic Development Planning, and Economic Development Operations; Office Directors, Deputy Office Directors, and Division Chiefs in the Office of Public Works, Business Development, and Technical Assistance; and Director and Deputy Director of the Offices of Economic Research, Planning and Program Support, and Development Organizations. This term also includes Regional Office Directors with respect to projects located in their regions. Clerical employees do not occupy positions involving discretion with respect to the granting of assistance under the Act. The discretionary nature of the positions and activities of other employees shall be determined by the Assistant Secretary at such time as the employee terminates his employment.

* * * * *

(e) The amendments to paragraphs (a) and (b) of this section apply to applications accepted and numbered by the EDA Regional Office or EDA Washington Office after February 28, 1974.

§ 309.8 Penalties.

(a) Pursuant to section 710(a) of the Act and 18 U.S.C. 1001, whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of obtaining for himself or for any applicant any financial assistance under the Act or any extension thereof by renewal, deferment of action or otherwise, or the acceptance, release or substitution of security therefor, or for the purpose of influencing in any way the action of EDA or members of its staff, or for the purpose of obtaining money, property, or anything of value, under the Act, shall be punishable by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

* * * * *

(Sec. 701, Pub. L. 89-136 (August 26, 1965) (42 U.S.C. 3211); 79 Stat. 570 and Department of Commerce Organization Order 10-4 (April 1, 1970))

Effective date. These amendments become effective on February 28, 1974.

WILLIAM W. BLUNT, Jr.,
Assistant Secretary for Economic Development.

JANUARY 24, 1974.

[FR Doc.74-2408 Filed 1-29-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-18-AD; Amdt. 39-1778]

PART 39—AIRWORTHINESS DIRECTIVES

Airresearch Model TPE331 and TSE331 Series Engines

Amendment 39-1761 (38 FR 26811), AD 73-26-7, paragraphs (b)(2) and (c) contained incorrect references and, since correction of these errors imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made 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, Amendment 39-1761 (38 FR 26811) AD 73-26-7, is amended as follows:

1. amend paragraph (b)(2), at line 4, to read ". . . (b)(1), above, . . ."

2. amend paragraph (c), at line 2, to read ". . . (a)(1) and (b)(1) above, . . ."

This amendment becomes effective February 1, 1974.

(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 Los Angeles, California on January 21, 1974.

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

[FR Doc.74-2352 Filed 1-29-74;8:45 am]

[Docket No. 73-NE-29; Amdt. 39-1775]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Aircraft Engines

Amendment 39-1742 (38 FR 30998), AD 73-23-5, required the inspection of the first and second stage turbine discs for cracks and minimum radius with required replacement of those discs not meeting the specified criteria. After issuing amendment 39-1742, the Agency determined that the requirement that previously inspected first stage turbine discs with over 2300 cycles be reinspected within 50 cycles is overly restrictive. Therefore, the AD is being amended to provide the same 800 cycle compliance period for previously inspected first stage turbine discs with over 2300 cycles as is presently permitted for previously inspected first stage turbine discs with less than 2300 cycles. In addition, it has been determined that the reference in the AD to "Addendum No. 1" serves no useful purpose as the manufacturer's basic Alert Service Bulletin and subsequent addenda are equivalent as regards the requirements of this AD. Accordingly this reference is also being deleted.

This amendment does not affect the inspection requirements concerning second stage turbine discs, first stage turbine discs under 2300 cycles or first stage turbine discs over 2300 cycles which have not been previously inspected.

Since this amendment relieves a restriction and provides a clarification, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13397), § 39.13 of Part 39 of the Federal Aviation Regulations is amended as follows:

1. Subparagraph 1a is deleted in its entirety and the following is inserted in lieu thereof:

a. Inspect turbine discs with 2300 or more total cycles on the effective date of this AD as follows:

(1) Within next 10 cycles if not previously inspected in accordance with G.E. Alert Service Bulletins No. A72-70, or later FAA approved revisions.

(2) Prior to accumulation of 800 cycles since last inspection if previously inspected in accordance with G.E. Alert Service Bulletins No. A72-70, or later FAA approved revisions. Discs in excess of both 2300 total cycles, and 800 cycles since last inspection must be inspected within the next 50 cycles.

2. The phrase "Addendum No. 1" is deleted wherever it appears in the AD.

3. The phrase "or later FAA approved revisions" is inserted after the phrase "or (CF 700) A72-72" in subparagraph 1b and after the phrase "or (CF 700) A72-80" in subparagraphs 3a, 3b, and 3c.

This amendment becomes effective on January 30, 1974.

(Sec. 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 Burlington, Massachusetts, on January 17, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-2351 Filed 1-29-74;8:45 am]

[Docket No. 74-SO-4; Amdt. No. 39-1774]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models IO-470 and TSIO-470 Engines

Amendment 39-1522, 37 FR 19120, as amended by Amendment 39-1613, 38 FR 8243, AD 72-20-2 requires retirement at next overhaul of all Part Number 626820 "Non-H" cylinders and those "H" cylinders manufactured or remanufactured (rebarreled) prior to April 1963 and retains the inspection procedures of AD 67-31-5 on affected engines only so long as necessary to facilitate the orderly retirement of cylinders on TCM Models IO-470 and TSIO-470 series engines. Since the issuance of Amendment 39-1613 the question of whether top-overhauls as well as major overhauls should be included in the phrase "at next overhaul" has arisen. Most interpretations of this phrase have excluded top-overhauls; consequently, cylinders which otherwise might have been retired from service have continued in service. Additionally occasional incidents of "Non-H" cylinder head separations are reported. A recent such separation resulted in an inflight fire. Therefore, the airworthiness directive is being amended to include "top overhaul" and "major overhaul" to provide clarity and uniformity of interpretation and would serve to hasten the retirement of the "Non-H" cylinders.

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

In consideration 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, Amendment 39-1522, 37 FR 19120 as amended by Amendment 39-1613, 38 FR 8243, AD 72-20-2 is further amended by adding Note 4, under paragraph B as follows:

NOTE 4: The term "Overhaul" as used in this AD is taken to include both major and top overhaul. When considering top overhauls, the AD applies equally to individual cylinder top overhauls as well as a complete engine assembly. This amendment becomes effective February 1, 1974.

(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 East Point, Georgia, on January 16, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-2350 Filed 1-29-74;8:45 am]

[Docket No. 11423; Amdt. 39-1782]

PART 39—AIRWORTHINESS DIRECTIVES

Nickel Cadmium Batteries

Amendment 39-1521 (37 FR 18522), AD 72-19-4, as amended by Amendments 39-1598 and 39-1723 (38 FR 5238 and 38 FR 26713, respectively) requires, in part, that aircraft to which it applies be modified before February 1, 1974, to prevent a possible battery fire that could result from overheating caused by an undetected battery failure. The required modification must be FAA-approved as meeting one of the following three alternative objectives: (1) automatic control of battery charging rate as a function of battery temperature; (2) warning of battery overtemperature, based on sensing of battery temperature, with means and procedures for disconnecting the battery from its charging source; and (3) warning of battery failure with means and procedures for disconnecting the battery from its charging source.

Subsequent to the issuance of Amendment 39-1723, the FAA has determined that parts are not available in sufficient quantities to permit timely compliance by all affected persons. It appears that all necessary parts can be made available in time for all affected persons to comply by April 1, 1974. The FAA has determined, however, that continued operation of aircraft to which the AD applies beyond February 1, 1974, requires that limitations in addition to those now contained in the AD must be imposed to avoid any adverse affects on safety. The variations that may exist between aircraft with respect to battery size and location, operational use of the batteries, and the environmental conditions in which the aircraft are operated, require that some of the limitations be developed by persons having the best access to information relating to those and any other factors that may be pertinent.

Accordingly, the AD is being amended to provide FAA Maintenance/Avionics Inspectors with the authority to permit continued operations for periods of up to 60 days. In order that the inspectors may limit the applicability of any extension to only those aircraft that cannot be timely modified, the AD as amended requires that operators must submit a program, satisfactory to the inspector, showing planned compliance with the AD.

Furthermore, the FAA has determined that safety requires that extensions beyond 30 days must include, in addition to the limitations established by the inspector, certain limitations on the use of batteries for engine or APU starts, as well as certain inspection, reporting, and maintenance procedures applicable to batteries that are used for engine or APU starts.

Those limitations, contained in new paragraph (h), limit to two the number of times a battery may be used to start or attempt to start an engine or APU during March, 1974. A battery that is so used twice must be removed from the aircraft. Before such a battery can be reinstalled in an aircraft it must be deep cycled. In addition, after each use of a battery to start or attempt to start an engine or APU, including the second use, it must be inspected for indications of overheat at the next station having personnel qualified to perform the inspection. Batteries found to have indications of overheat during such an inspection must be replaced before further flight and the condition must be reported within the next 24 hours to the inspector who granted the extension. These limitations are in addition to any that are established by the inspector.

Since this amendment extends a compliance date, and since the additional time allowed thereby creates a situation that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1521 (37 FR 18522), AD 72-19-4, as amended by Amendments 39-1598 and 39-1723 (38 FR 5238 and 38 FR 26713, respectively), is further amended by amending the lead-in sentence of paragraph (f), by amending paragraph (g), and by adding a new paragraph (h) to read as follows:

(f) Except as provided in paragraph (h), before February 1, 1974, accomplish at least one of the following:

* * * * *

(g) The inspections or procedures required by paragraphs (b), and (h) as applicable, may be discontinued after compliance with paragraph (f) of this AD.

(h) Upon request of the operator, an FAA Maintenance/Avionics Inspector may, if the request contains a satisfactory program for compliance with paragraph (f), extend the time for compliance with paragraph (f) to permit an aircraft to be operated in accordance with operating and maintenance limitations established by the inspector as necessary for safety, pending modification in accordance with such program, for any period of time—

(1) Between February 1, 1974, and March 1, 1974; and

(2) After March 1, 1974, to a date no later than April 1, 1974, in accordance with the following additional limitations:

(i) A battery may be used no more than twice to start or attempt to start an engine or APU.

(ii) After the first use of the battery to start or attempt to start an engine or APU, before any further such use of the battery, at the next station having qualified maintenance personnel, inspect the battery for indications of an overheat condition. If evidence that an overheat condition has existed is found during such an inspection, before further flight replace the affected battery with an equivalent serviceable battery and within the next 24 hours following the inspection report the condition to the inspector.

(iii) After the second use of the battery to start or attempt to start an engine or APU, at the next station having qualified maintenance personnel, replace the battery with an equivalent serviceable battery and comply with the inspection and reporting requirements specified in subparagraph (2)(ii) of this paragraph.

(iv) For a battery removed from an aircraft in accordance with subparagraph

(2) (iii) of this paragraph, that is otherwise serviceable, before installing such a battery in any aircraft deep cycle the battery in accordance with an FAA-approved procedure.

This amendment becomes effective February 1, 1974.

Issued in Washington, D.C., on January 25, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-2498 Filed 1-29-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER D—SPECIAL REGULATIONS

[Regulations SPR-73; Amdt. 4]

PART 372a—TRAVEL GROUP CHARTER

Charter Air Fares

Correction

In FR Doc. 74-997, appearing at page 1746 in the issue for Monday, January 14, 1974, in the proviso to § 372a.26, the reference to § 327a.22 should read "§ 372a.22".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Foreign Ownership or Control of Certain Corporations

A new § 15.484 is added as follows:

§ 15.484 Foreign ownership or control of a corporation in a Webb-Pomerene Association.

The Commission issued an advisory opinion on December 6, 1973 (File No. 743 7001), to the effect that membership in an export (Webb-Pomerene) association by a United States corporation, which is owned or controlled by foreign interests, in and of itself, would not violate the laws administered by the Commission.

(38 Stat. 717, as amended (15 U.S.C. 41-58))

Released: December 11, 1973.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-2404 Filed 1-29-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-10591, etc.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES AND EXCHANGE ACT OF 1934

Annual Reports—Information Required in Proxy Statement

The Commission has adopted amendments to Item 7 of Schedule 14A (17 CFR 240.14a-101) under the Securities Exchange Act of 1934. The purpose of the amendments to Item 7 of Schedule 14A is to conform the threshold materiality standard in the Proxy Rules for disclosure of remuneration and other transactions to that in an issuer's Annual Report on Form 10-K (17 CFR 249.310). Amendments have been made to Items 7 (a), (d) and (f) of Schedule 14A—*Information Required in Proxy Statement.* Item 7 requires disclosure of remuneration and other transactions with management and others. The amendments revise the standard of materiality for such disclosure from $30,000 to $40,000 and conform the standard in the proxy statements to that presently required in Form 10-K. The Commission finds that these amendments are a relaxation of disclosure requirements to conform certain of the disclosure required in proxy statements relating to remuneration and other transactions to that required in annual reports on Form 10-K from registrants not required to file proxy statements. Accordingly, the Commission feels that publication for comment pursuant to the Administrative Procedure Act is not required.

Item 7 of Schedule 14A is amended as follows:

Item 7. Remuneration and other transactions with management and others.

* * * * *

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the issuer and its subsidiaries during the issuer's last fiscal year to the following persons for services in all capacities:

(1) Each director of the issuer whose aggregate direct remuneration exceeded $40,000 and each of the three highest paid officers of the issuer whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

* * * * *

(b) [No Change]
(c) [No Change]
(d) * * *
Instructions.
1. [No Change]
2. [No Change]
3. (i) Where the total market value on the granting dates of the securities called for by all options granted during the period specified does not exceed $10,000 for any officer or director named in answer to paragraph (a) (1), or $40,000 for all officers and directors as a group, this item need not be answered with respect to options granted to such person or group. (ii) Where the total market value on the dates of purchase of all securities purchased through the exercise of options during the period specified does not exceed $10,000 for any such person or $40,000 for such group, this item need not be answered with respect to options exercised by such person or group. (iii) Where the total market value as of the latest practicable date of the securities called for by all options held at such time does not exceed $10,000 for any such person or $40,000 for such group, this item need not be answered with respect to options held as of the specified date by such person or group.

* * * * *

(e) [No Change]
(f) * * *
Instructions.
1. [No Change]
2. No information need be given in answer to this Item 7(f) as to any transaction where—

* * *

(c) the amount involved in the transaction or a series of similar transactions, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $40,000; or

* * *

(g) [No Change]

* * * * *

The Commission has taken action to adopt the Amendments to Item 7 of Schedule 14A pursuant to sections 14(a) and 23(a) of the Securities Exchange Act of 1934. The Commission finds that the amendments to Item 7 of Schedule 14A relieve a restriction and that publication of the Rule pursuant to Section 553(d) of the Administrative Procedure Act is not required. Accordingly, the amendments to Item 7 of Schedule 14A are adopted effective as of the date of this release with respect to proxy statements filed on or after that date.

(Sections 14(a), 23(a), 43 Stat. 895, 901; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; (15 U.S.C. 78n(a), 78w(a)))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1974.

[FR Doc.74-2381 Filed 1-29-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM74-11; Order No. 502]

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHARGES; ETHICAL STANDARDS

Order Amending Lists of Approved Forms, Statements and Schedules

JANUARY 24, 1974.

This order amends the lists of approved forms, statements and reports under the Federal Power Act and the Natural Gas Act. The lists herein amended are found in 18 CFR §§ 3.142 and 3.170. The amendments do not create any new forms, statements or reports, but merely update the lists in §§ 3.142 and 3.170 of such forms, statements and reports previously published and described in Parts 131, 141, 250 and 260 of 18 CFR Ch. I.

The Commission finds:

(1) It is appropriate and in the public interest in administering the Federal Power and Natural Gas Acts to amend the Commission's general rules as ordered herein.

(2) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the amendments here adopted.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858; 16 U.S.C. 825h) and the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), orders:

(A) Effective upon issuance of this order, section 3.142 in Part 3, Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations is amended to read as follows:

§ 3.142 Approved forms, etc.

(a) * * *

(43) Form No. 82, report of changes in retail rates (§ 141.27 of this chapter).

(44) Form No. 67, steam-electric plant air and water quality control data (§ 141.59 of this chapter).

(45) Form No. 237A (Coal) and Form No. 237B (Oil) weekly fuel emergency report (§ 141.60 of this chapter).

(46) Form No. 423, monthly report of cost and quality of fuel for steam-electric plant (§ 141.61 of this chapter).

(47) Original cost statement of utility property (§ 141.200 of this chapter).

(b) The approved forms listed in paragraph (a) of this section are published and described in the cited regulations, copies of which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of statements and reports listed in paragraph (a) of this section are available for inspection and copying from the OPI of the Commission.

(B) Effective upon issuance of this order, section 3.170 in Part 3, Subchapter A of Chapter I of Title 18 of the Code of Federal Regulations is amended to read as follows:

§ 3.170 Approved forms, etc.

(a) * * *

(22) Form No. 16, report of gas supply and requirements (§ 260.12 of this chapter).

(23) Escrow agreements (§ 250.12 of this chapter).

(24) Form No. 334, reserves dedication report (§ 250.13 of this chapter.

(25) Report by natural gas pipeline companies on service interruptions occurring on the pipeline system (§ 260.9 of this chapter).

(26) Original cost statement of utility property (§ 260.200 of this chapter).

(b) The approved forms in paragraph (a) of this section are published and described in the cited regulations, copies of which may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Copies of statements and reports listed in paragraph (a) of this section are available for inspection and copying from of the OPI of the Commission.

(C) 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.74-2432 Filed 1-29-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Food Labeling for Certain Soft Drinks; Exemption From Labeling Requirements When Trademark Serves as Statement of Identity

In the FEDERAL REGISTER of July 20, 1973 (38 FR 19404), the Commissioner of Food and Drugs proposed that the food labeling regulations be amended to exempt certain soft drinks from § 1.8(d) (21 CFR 1.8(d)) which requires that the statement of identity shall be in lines generally parallel to the base on which the package rests as it is designed to be displayed. The proposal was based on a petition filed by the National Soft Drink Association, 1101 16th St., NW., Washington, DC 20036.

No comments were received in response to this proposal.

Therefore, pursuant to provisions of the Fair Packaging and Labeling Act (secs. 5(b), 6(a), 80 Stat. 1298, 1299–1300; 15 U.S.C. 1453, 1455) and the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055–1056 as amended; 21 U.S.C. 371) and under authority delegated to the Commissioner (21 CFR 2.120), Part 1 is amended in § 1.1c(a)(5) by adding a new subdivision (iv) thereto as follows:

§ 1.1c Exemptions from required label statements.

* * * * *

(a) * * *

(5) * * *

(iv) Where a trademark on a soft drink package also serves as, or is, a statement of identity, the use of such trademark on the package in lines not parallel to the base on which the package rests shall be exempted from the requirement of § 1.8(d) that the statement be in lines parallel to the base so long as there is also at least one statement of identity in lines generally parallel to the base.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 1, 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 April 1, 1974, except as to any provisions that may be stayed by proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 5(b), 6(a), 80 Stat. 1298, 1299–1300; 15 U.S.C. 1453, 1455, and sec. 701, 52 Stat. 1055–1056, as amended; 21 U.S.C. 371)

SAM D. FINE,
Associate Commissioner for Compliance.

JANUARY 22, 1974.

[FR Doc.74-2409 Filed 1-29-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

OCTYLTIN STABILIZERS IN VINYL CHLORIDE PLASTICS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2801) filed by Schering A.G. 4619 Bergkamen, Postfach 15, Waldstrass 14, West Germany, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of the octyltin stabilizers identified in § 121.2602 (21 CFR 121. 2602) (1) by revising the specifications for the intermediate, di(*n*-octyl) tin dichloride, to allow for the presence of not more than 5 percent by weight total of higher ($>C_8$) alkyltin derivatives and (2) by providing for the optional use of di(*n*-octyl) tin oxide, in place of di(*n*-octyl) tin dichloride, as the intermediate in the manufacture of octyltin stabilizers.

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), § 121.2602 is amended by revising paragraph (a) to read as follows:

§ 121.2602 Octyltin stabilizers in vinyl chloride plastics.

* * * * *

(a) For the purpose of this section, the octyltin chemicals are those identified in subparagraphs (1) and (2) of this paragraph.

(1) Di(*n* - octyl)tin S,S'-bis(isooctylmercaptoacetate) is an octyltin chemical having 15.1 to 16.4 percent by weight of tin (Sn) and having 8.1 to 8.9 percent by weight of mercapto sulfur. It is made from di(*n*-octyl)tin dichloride or di(*n*

octyl) tin oxide. The isooctyl radical in the mercaptoacetate is derived from oxo process isooctyl alcohol. Di(*n*-octyl) tin dichloride has an organotin composition that is not less than 95 percent by weight di(*n*-octyl) tin dichloride, not more than 5 percent by weight total of *n*-octyltin trichloride and/or tri(*n*-octyl) tin chloride and/or higher (more than eight(8) carbon) dialkyltin chlorides, not more than 0.2 percent by weight total of other eight(8) carbon isomeric alkyltin derivatives, and not more than 0.1 percent by weight total higher and lower (less than eight(8) carbon) homologous alkyltin derivatives. Di(*n*-octyl) tin oxide has an organotin composition that is not less than 95 percent by weight di(*n*-octyl) tin oxide, not more than 5 percent by weight of bis [tri(*n*-octyl) tin] oxide, mono *n*-octyltin oxide, and/or higher (more than eight(8) carbon) alkyltin oxides, not more than 0.2 percent by weight of isomeric-octyltin oxides, and not more than 0.1 percent by weight of lower (less than eight(8) carbon) alkyltin oxides.

(2) Di(*n*-octyl) tin maleate polymer is an octyltin chemical having the formula $[(C_8H_{17})_2SnC_4H_2O_4]_n$ (where n is between 2 and 4 inclusive), having 25.2 to 26.6 percent by weight of tin (Sn) and having a saponification number of 225 to 255. It is made from di(*n*-octyl) tin dichloride or di(*n*-octyl) tin oxide meeting the specifications prescribed for di(*n*-octyl) tin dichloride or di(*n*-octyl) tin oxide in paragraph (a) (1) of this section.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before March 1, 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 on January 30, 1974.

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

Dated: January 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–2410 Filed 1–29–74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION

PART 520—EMPLOYMENT OF STUDENT-LEARNERS

PART 570—CHILD LABOR REGULATIONS, ORDERS AND STATEMENT OF INTERPRETATION

Work Experience and Career Exploration Programs

Correction

In FR Doc. 74–2122, appearing at page 3256 in the issue for Friday, January 25, 1974, in § 570.35a, paragraph (b)(3)(ii), delete the third line and insert the words "instruction and on-the-job experience." in lieu thereof.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision for State of Massachusetts

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act, the Administrator approved a plan implementing National Ambient Air Quality Standards for the State of Massachusetts. This publication contains the Administrator's approval of a revision to that plan.

On October 15, 1973, in a letter to the Governors of fourteen States, the Administrator advised that the responsible State agencies proceed quickly to devise and initiate plans to prevent, to the greatest degree possible, any detrimental air pollution effects that might result from a probable low sulfur fuel shortage during the coming winter months. The Administrator emphasized the need for States to undertake feasible energy conservation measures either prior to or concurrent with any variance requests in order to minimize the need for variances. Among the other measures recommended was the formulation, according to the anticipated degree of shortage, of a comprehensive variance plan for sulfur content in fuel regulations. Priorities for granting variances would be established which would encourage the distribution (or allocation) of available low sulfur fuel to areas where it would be most needed for the protection of public health. The Administrator described the procedures governing Governor's submissions of such variances to the Environmental Protection Agency for approval as implementation plan revisions. Criteria for approval would be as follows:

1. Compliance with EPA procedural requirements.

2. A demonstration (a) that fuel with a sulfur content low enough to enable compliance with the applicable regulation is in fact unavailable to the source, (b) that the variance requires the use of the lowest sulfur content fuel that is available, and (c) that the time period involved reflects the reasonably predicted period of shortage.

3. A demonstration that low sulfur fuel that might have been available to the source involved (a) no longer is available, or (b) has been allocated or distributed to other sources deserving higher priority either because of air quality considerations, or because of a Federally imposed allocation plan.

On November 5, 1973, the Massachusetts Bureau of Air Quality Control submitted for the Administrator's approval a revision to Regulation 5.1.2 of the State implementation plan for the Commonwealth of Massachusetts. Regulation 5.1.2(d) requires that fossil fuel utilization facilities rated at or in excess of 250 million BTU/hr. use fuel with no greater sulfur content than 2.2 percent. The regulation would permit such sources to receive written approval to use fuel with a maximum sulfur content of 2.2 percent for a period extending from November 15, 1973 to May 15, 1974 if they have the capability of storing a three day supply of conforming fuel and switching to it within six hours of being notified to do so by the Department.

After a careful evaluation of the State's submittal, the Administrator has determined that the procedure is in accordance with the criteria stated above, and is therefore in accordance with the procedural and substantive requirements of 40 CFR Part 51. Information submitted by the State, corroborated by the Agency's own information, indicates that fuel allocation and redistribution measures cannot obviate the need for the revision requested, either in the degree or in the time allowed. The Administrator is not at this time specifically approving or disapproving the requirement that sources store conforming fuel and switch to it as directed by the State agency. This has not been submitted as a means of attainment or maintenance of a national standard but as a means of the best utilization of available low sulfur fuel supplies during the present fuel shortage. The State's criteria for review are also not being approved and the information submitted by the State will be reviewed by EPA for each source to evaluate whether individual variances should be approved. Accordingly, it is approved as a revision to the Massachussets Implementation Plan as a procedure for granting variances with the above exceptions and subject to the conditions that the Commonwealth in granting permission to any source to burn up to 2.2 percent sulfur fuel shall:

1. Make all reasonable efforts to ensure that any low sulfur fuel freed up by such action be redistributed to sources based on a priority classification in accordance with guidelines developed by the Department of Public Health.

2. Require such source to report to the State on the first day of each month on the quantity, source of supply and sulfur content of all fuel purchased or delivered during the preceding month.

3. Require such source to make every reasonable effort to acquire conforming fuels, and maintain for inspection by the State during normal working hours evidence of these efforts.

4. Require such source to make available all air quality data from existing monitoring systems monthly or continuously by connection with Massachusetts Ambient Air Monitoring System.

In addition, the State must submit to EPA all information required by Regulation 5.1.2(d) and the above conditions and certify that all such conditions have been met. The utilization of a variance by any source shall not be effective until approved by EPA. In the event EPA does not disapprove such utilization within 48 hours after its receipt of such State certification, approval by EPA shall be deemed granted.

Since variances are temporary solutions to short term problems, should the source find it necessary to apply for a variance beyond the expiration date of this variance, plans and a schedule for installation of control equipment to meet Massachusetts emission limitations must accompany any new application for a variance from sulfur content requirements.

The plan revisions approved below are short term and therefore will not interfere with the attainment of national ambient air quality standards by the dates specified in the plan and in the Clean Air Act. However, the predictions of continuing low sulfur fuel shortages raise the prospect that the State will be called upon in the future to grant variances such as these for the winter heating season, thereby threatening the ultimate attainment of the air quality standards. If low sulfur fuels are not to be available, plants which are not already doing so must begin to plan for the design and installation of emission control systems for sulfur oxides. Since the costs of these systems will be substantial, it appears advisable to look to any sources of funds which may be available. The savings realized as a result of the differential in costs between low sulfur and higher sulfur fuels are a possible source of such funds, and it is the Agency's view that serious consideration should be given to earmarking these funds for the design, installation, and operation of control systems. Accordingly, the Agency invites comment from State and local agencies, utilities and other affected industrial concerns, fuel suppliers, and the general public upon the following issues:

1. Current and anticipated cost differences between low sulfur (complying) fuels and higher sulfur fuels covered by an approved variance;

2. Legal authority in State or local government agencies to require cost savings resulting from higher sulfur fuel purchases to be set aside in escrow for purposes of acquiring emission control systems;

3. Information necessary to identify savings related to fuel purchases under variances and reports which might be required to inform responsible agencies as to the amount and disposition of such savings; and

4. Any other issues, problem, or considerations raised by the topic.

The State's submittal is available for public inspection during normal business hours at the following addresses: Department of Public Health, Bureau of Air Quality Control, 600 Washington Street, Room 320, Boston, Massachusetts 02111; and EPA Region I Office of Public Affairs, Room 2203, John F. Kennedy Federal Building, Boston, Massachusetts 02203. In addition EPA's evaluation of the State's submittal is available during normal business hours at the EPA address listed above.

The Agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making it effective immediately upon publication for the following reasons:

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions which are applicable to it so that it may make arrangements to obtain the appropriate fuel.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comment, and further participation would be impracticable.

Dated: January 21, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

1. Section 52.1125 is amended by adding new lines to the table in paragraph (b) as follows:

§ 52.1125 Compliance schedules.

* * * * *

(b) * * *

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
*	*	*	*	*	*
Sources subject to the provisions of Regulation 5.1.2(d).	Statewide.....	5.1.2(d).....	Nov. 2, 1973	Nov. 15, 1973	Nov. 15, 1974

[FR Doc.74-2437 Filed 1-29-74;8:45 am]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision for Rhode Island

On May 31, 1972 (37 FR 10432), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of a State plan for implementation of the National Ambient Air Quality Standards in the State of Rhode Island. This publication contains the Administrator's approval of a revision to that plan.

Rhode Island, after notice and public hearing, submitted a proposed revision to its implementation plan in the Metropolian Providence Intrastate Air Quality Control Region which will allow the use of 3% sulfur content fuel by Narragansett Electric Co. at their South Street and Manchester Street Stations in the city of Providence from November 23, 1973 to March 22, 1974 (120 days) with a possible 90 day extension. Narragansett Electric generates approximately 35 percent of the total electrical power used in the State of Rhode Island and uses 2.35 million barrels or 33 percent of the total residual oil burned in the State. The company has been unsuccessful in its efforts to obtain sufficient supplies of conforming fuel and expects to deplete its available supply by mid-December unless granted a variance.

The Administrator has determined that this revision is consistent with the requirements of the Clean Air Act and 40 CFR Part 51. It is the Administrator's understanding that Narragansett Electric Co. will comply with the condition imposed by the Rhode Island Department of Health requiring the Company to maintain an eight day supply of 1 percent sulfur fuel to be burned at the discretion of the Department during adverse meteorological conditions. The Administrator is not at this time specifically approving or disapproving this requirement as it has not been submitted as a means of attainment or maintenance of a national standard but only as an interim method to make the best utilization of available low sulfur fuel supplies during the present fuel shortage. Accordingly, it is approved in the table below effective November 23, 1973 and subject to the conditions that the State of Rhode Island shall:

1. Make all reasonable efforts to ensure that any low sulfur fuel freed up by such action be redistributed to sources based on the priorities established by the State Contingency Plan.

2. Require Narragansett Electric Co. to report to the State on the first day of each month on the quantity, source of supply and sulfur content of all fuel purchased or delivered during the preceding month.

3. Require Narragansett Electric Co. to make available all air quality data from existing monitoring systems monthly or continuously by connection with the Rhode Island Ambient Air Quality System.

4. Require the Narragansett Electric Co. to make all reasonable efforts to assure that the lowest sulfur fuel of that available for the two stations is burned at the Manchester Street Station.

5. Limit any extension beyond the 120 variance period to a maximum of 60 days.

The plan revisions approved below are short term and therefore will not inter-

fere with the attainment of national ambient air quality standards by the dates specified in the plan and in the Clean Air Act. However, the predictions of continuing low sulfur fuel shortages raise the prospect that the State will be called upon in the future to grant variances such as these for the winter heating season, thereby threatening the ultimate attainment of the air quality standards. If low sulfur fuels are not to be available, plants which are not already doing so must begin to plan for the design and installation of emission control systems for sulfur oxides. Since the costs of these systems will be substantial, it appears advisable to look to any sources of funds which may be available. The savings realized as a result of the differential in costs between low sulfur and higher sulfur fuels are a possible source of such funds, and it is the Agency's view that serious consideration should be given to earmarking these funds for the design, installation, and operation of control systems. Accordingly, the Agency invites comment from State and local agencies, utilities and other affected industrial concerns, fuel suppliers, and the general public upon the following issues:

1. Current and anticipated cost differences between low sulfur (complying) fuels and higher sulfur fuels covered by an approved variance;

2. Legal authority in State or local government agencies to require cost savings resulting from higher sulfur fuel purchases to be set aside in escrow for purposes of acquiring emission control systems;

3. Information necessary to identify savings related to fuel purchases under variances and reports which might be required to inform responsible agencies as to the amount and disposition of such savings; and

4. Any other issues, problem, or considerations raised by the topic.

Comments are requested to be submitted on or before April 1, 1974.

The Agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately for the following reasons:

1. The emergency nature of the current fuel shortage requires that the affected source know immediately the fuel restrictions applicable to it under the Rhode Island implementation plan so that it may make arrangements to obtain the appropriate fuel.

2. The implementation plan revision was adopted in accordance with procedural requirements of State and Federal laws, which provided for an adequate public hearing and comment, and further participation would be impracticable.

Dated: January 23, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart OO—Rhode Island

1. Section 52.2077 is amended by adding new lines to the table in paragraph (c) as follows:

§ 52.2077 Compliance schedules.

* * * * * * *

(c) * * *

Source	Location	Regulations involved	Date of adoption	Effective date	Final compliance date
* * *					
Narragansett Electric Co.	Providence	8.2	Nov. 21, 1973	Nov. 23, 1973	Mar. 22, 1974

[FR Doc.74-2438 Filed 1-29-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Eligibility of Supplemental Security Income Beneficiaries for Food Stamps or Surplus Commodities; Postponement of Effective Date

Regulations for eligibility of certain recipients of supplemental security income for food stamps or surplus commodities were published on December 13, 1973 (38 FR 34324) to be effective January 1, 1974. The regulations implemented the requirements of the food stamp and surplus commodities provisions of Public Law 93-86 (The Agriculture and Consumer Protection Act of 1973). The effective date of these regulations has been postponed until July 1, 1974 by Public Law 93-233, signed by the President on December 31, 1973. Accordingly, the regulations in § 205.25 of this title are postponed until July 1, 1974.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

(Catalog of Federal Domestic Assistance Program No. 130761, Public Assistance—Maintenance Assistance (State Aid).)

Dated: January 17, 1974.

JOHN A. SVAHN,
Acting Administrator,
Social and Rehabilitation Service.

Approved: January 24, 1974.

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

[FR Doc.74-2469 Filed 1-29-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 35, Notice No. 74-4]

UNITED STATES RAILWAY ASSOCIATION

Employee Responsibilities and Conduct

These regulations prescribe standards of ethical and other conduct, and reporting requirements, for employees of the United States Railway Association (the Association) established by section 201 (a) of the Regional Rail Reorganization Act of 1973 (the Act), Pub. L. 93-236. The Act provides in section 202(a)(5)(2) that no individual may hold a position in the Association "in violation of regulations which the Secretary (of Transportation) shall establish to avoid conflicts of interest and to protect the interests of the public."

To prevent the threatened cessation or curtailment of essential rail services in the midwest and northeast regions of the United States, and to ensure their continuation and improvement, the Act establishes the Association, and directs it to prepare and implement a "final system plan," issue obligations, make loans and provide assistance to States and local or regional transportation authorities, to achieve the above purposes.

The Association is a nonprofit Government corporation, to be listed in 31 U.S.C. 856 as a "mixed ownership Government corporation," but "except as otherwise provided employees of the Association shall not be deemed employees of the Federal Government" (section 201 (c) of the Act). The Board of Directors consists of eleven individuals: A chairman appointed by the President; three Government members (the Secretary of Transportation, the Secretary of the Treasury, and the Chairman of the Interstate Commerce Commission, or their representatives); and seven non-Government members appointed by the President, by and with the consent of the Senate. Four of the seven represent profitable railroads, railroad labor, and shippers; the others are to be selected on recommendation of the National Governors' Conference, the National League of Cities and Conference of Mayors, and the financial community. Except for the three Government members and the State and city representatives, members of the Board may have employment or other direct financial relationship with a railroad (section 201(d)(3)).

In order to carry out its purposes in the time allotted in the Act, it will be necessary for the Association to enlist the expertise of experienced railroad personnel, and to hire employees of railroads and companies related to the railroad industry, and in some cases, to hire such employees while they are on a leave of absence from their present employers. The regulations which follow are designed to accomplish this purpose, as well as to protect the Association and the public from conflict-of-interest problems. Since the work of the Association is to be completed within an allotted time, these regulations are entirely consistent with the Government personnel policy on the hiring of temporary employees under

the President's Personnel Interchange Program. Such employees may be hired while on a leave of absence from their employers, but are subject to the same conflict of interest regulations as other employees of the Government.

In consideration of the foregoing, the following regulations are promulgated:

UNITED STATES RAILWAY ASSOCIATION—EMPLOYEE RESPONSIBILITIES AND CONDUCT

SUBPART A—GENERAL

Sec.
1 Purpose and policy.
3 Definitions.
5 Applicability.

SUBPART B—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

7 General.
9 Gifts, entertainment, and favors.
11 Outside employment and other activities.
13 Financial interests.
15 Conflicts of interest.
17 Disqualification arising from personal financial interests.
19 Use of Association property or official title.
21 Misuse of information.
23 Indebtedness.
25 Miscellaneous provisions.

SUBPART C—STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST

31 Employees required to submit statement.
33 Time and place for submission of employee statements.
35 Supplementary statements.
37 Information not known by employee.
39 Information not required.
41 Confidentiality of employee's statement.
43 Interpretation and advisory service.

SUBPART D—DISQUALIFICATION OF FORMER EMPLOYEES IN MATTERS CONNECTED WITH FORMER DUTIES OR OFFICIAL RESPONSIBILITIES; DISQUALIFICATION OF PARTNERS

51 Matters in which employee participated personally and substantially.
53 Matters under employee's official responsibility.
55 Employee with outstanding scientific or technological qualifications.
57 Partner of employee.

Appendix 1—Categories of Financial Interests Exempted from the Prohibitions of Sections 13(a), 15, and 17(a).
Appendix 2—List of Employees Required to Submit Statements of Employment and Financial Interests, Under Section 31.

SUBPART A—GENERAL

SECTION 1. *Purpose and policy.* (a) These regulations implement P.L. 93-236, The Regional Rail Reorganization Act of 1973. They prescribe standards of ethical and other conduct, and reporting requirements, for employees of the United States Railway Association (the Association). The standards and requirements are appropriate to the particular functions and activities of the Association.

(b) The absence of a specific published standard of conduct covering an act tending to discredit an employee of the Association does not mean that the act is condoned, is permissible, or would not call for and result in corrective or disciplinary action.

(c) Personnel of the Association shall observe standards of conduct that will reflect credit on the Association.

SEC. 3. *Definitions.* Unless the context requires otherwise, the following definitions apply in these regulations:

"Association" means the United States Railway Association established by P.L. 93-236.

"Chairman" means the Chairman of the Board of Directors of the Association.

"Employee" means an officer or employee of the Association.

"General Counsel" means the General Counsel of the Association, or his designee.

"Includes" mean "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed, and the words "a person may not * * *" mean that a person is not required, authorized, or permitted to do the act prescribed.

"Shall" is used in an imperative sense.

SEC. 5. *Applicability.* These regulations apply to each employee of the Association.

SUBPART B—ETHICAL AND OTHER CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

SEC. 7. *General.* (a) Each employee shall avoid any action, whether or not specifically prohibited by these regulations, which might result in or create the appearance of—

(1) Using his Association office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding the efficiency or economy of the Association;

(4) Losing complete independence or impartiality;

(5) Making an Association decision outside of official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Association.

(b) An employee may not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or any conduct prejudicial to the integrity of the Association.

SEC. 9. *Gifts, entertainment, and favors.* (a) Except as provided in paragraphs (b) and (c) of this section, an employee may not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, food, lodging, loan, or other thing of monetary value, from a person or employer of a person who—

(1) Has, or is seeking to obtain, contractual or other business or financial relationships with the Association.

(2) Has interests which may be substantially affected by the performance or nonperformance of that employee's official duties.

(b) Notwithstanding paragraph (a) of this section, an employee may—

(1) Accept a gift, gratuity, favor, entertainment, loan, or other thing of value when the circumstances make it clear that an obvious family relationship rather than the business of the persons concerned is the motivating factor;

(2) Accept food or refreshment of nominal value on infrequent occasions in the ordinary course of a luncheon or dinner meeting or other meeting or on an inspection tour if the employee is properly in attendance;

(3) Accept unsolicited advertising or promotional material such as pens, pencils, note pads, calendars, or other items of nominal intrinsic value; or

(4) Accept an invitation addressed to the Association, when approved by the General Counsel, to participate in an inaugural trip or similar ceremonial event related to transportation, and accept food, lodging, and entertainment incident thereto.

(c) An employee may not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. However, this paragraph does not prohibit a voluntary gift of nominal value or a donation in a nominal amount made on a special occasion such as marriage, illness, retirement, or transfer.

SEC. 11. *Outside employment and other activities.* (a) An employee may not engage in any outside employment or other outside activity which is not compatible with the full and proper discharge of the duties and responsibilities of his employment with the Association. Incompatible activities include—

(1) Acceptance of a fee, compensation, gift, payment of expenses, or any other thing of monetary value in circumstances in which acceptance may result in, or create the appearance of, a conflict of interest; and

(2) Outside employment which tends to impair his mental or physical capacity to perform his duties and responsibilities of his employment with the Association in an acceptable manner.

(b) An employee may not receive any salary or anything of monetary value from a private source as compensation for his services to the Association.

(c) This section does not preclude an employee from participating in the affairs of, or accepting an award for a meritorious public contribution or achievement given by a charitable, religious, professional, social, or fraternal organization, a nonprofit educational or recreational organization, or a public service or civic organization.

SEC. 13. *Financial interests.* (a) Except where authorized by statute or these regulations, an employee may not have a direct or indirect financial interest that conflicts substantially, or appears to conflict substantially, with his Association duties and responsibilities. In any case in which such a question of financial interest arises the procedures set forth in section 17 apply.

(b) The fact that an employee is on leave of absence from employment with or has served as an attorney or consultant to, a railroad, or a company engaged in the manufacture, construction, or supply of railroad facilities and equipment, or a creditor of a railroad, shall not, of itself, be deemed to be a financial interest conflicting with his Association duties or responsibilities. This provision does not affect the obligation of such an employee to submit a statement of employment and financial interest as required by section 31(a)(1).

(c) The fact that an employee owns shares of stock, corporate bonds, or other corporate securities in any single railroad, or a company engaged in the manufacture, construction or supply of railroad facilities and equipment, or a creditor of a railroad, having a current aggregate market value of $10,000 or more, or an option to purchase such securities, shall not, in itself, be deemed to be a financial interest conflicting with his Association duties or responsibilities. Such ownership must, however, be reported in a special statement of financial interest, in a manner specified by the General Counsel, which shall be available for public inspection.

SEC. 15. *Conflicts of interest.* (a) Except where specifically exempted by statute or these regulations, a conflict of interest exists whenever the performance of the duties of an employee has or appears to have a direct and predictable effect upon a financial interest of such employee or of his spouse, minor child, partner, or person or organization with which he is associated or is negotiating for future employment.

(b) A conflict of interest exists even though there is no reason to suppose that the employee will, in fact, resolve the conflict to his own personal advantage rather than to that of the Association.

SEC. 17 *Disqualification arising from personal financial interests.* (a) Except as stated in paragraph (e) of this section, or except

as permitted by statute, an employee may not participate personally and substantially as an employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, in a judicial or other proceeding, application, request for a ruling or other determination, contract, claim controversy, charge, accusation, or other particular matter in which, to his knowledge, he, his spouse, minor child, a blood relative who is a resident of the employee's household, partner, organization in which he is serving as officer, director, trustee, partner or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, unless he shall cause the financial interest involved to be divested, or request a determination of the propriety of his participation in any matter by informing the General Counsel of the nature and circumstances of the matter and financial interest involved.

(b) After examining the information submitted, the General Counsel may—

(1) Relieve the employee from participation in the matter and, if possible, reassign it to another employee who is not subordinate to the relieved employee;

(2) Approve the employee's participation upon determining in writing that the interest involved is not so substantial as to be likely to affect the integrity of the services the Association may expect from the employee;

(3) Recommend the reassignment of the employee; or

(4) If none of these alternatives is feasible, direct the employee to cause the financial interest to be divested so that it no longer comes within the scope of this section.

(c) In any case in which the General Counsel has reason to believe that an employee may have an interest that would be disqualifying under this section, he shall discuss the matter with the employee. If he finds that the interest exists, he may take any of the actions stated in paragraph (b) of this section.

(d) In any case in which the employee is dissatisfied with the General Counsel's decision, the employee may appeal the matter to the Chairman of the Association for reconsideration and final determination of the appropriate action.

(e) Information concerning categories of financial interests which are exempted from the prohibitions of §§ 13(a), 15, and paragraph (a) of this section as being too remote or too inconsequential to affect the integrity of an employee's interest in a matter, are set forth in Appendix 1.

SEC. 19 *Use of Association property or official title.* (a) An employee may not, directly or indirectly, use or allow the use of Association property of any kind, including property leased to the Association, for other than an officially approved activity. Each employee has a positive duty to protect and conserve Association property, including equipment, supplies, and other property entrusted or issued to him.

(b) An employee may not, directly or indirectly, use or allow the use of his title or position in connection with any commercial enterprise or in endorsing any commercial product or service.

SEC. 21 *Misuse of information.* An employee may not, for the purpose of furthering a private interest, directly or indirectly, use or allow the use of official information obtained through or in connection with his Association employment, if that information has not been made available by the Association to the general public.

SEC. 23 *Indebtedness.* Each employee shall pay his just financial obligations in a proper and timely manner, especially those imposed by law such as Federal, State, or local taxes. For the purposes of this section "just financial obligations" means those that are recognized as such by the employee or reduced to a judgment by a court, and "in a proper and timely manner" means in a manner which the Association determines does not, under the circumstances, reflect adversely on the Association as his employer. The Association will not determine the validity or amount of a disputed debt and will not initiate action to collect such debts.

SEC. 25 *Miscellaneous provisions.* (a) Each employee shall acquaint himself with these regulations which relate to his ethical and other conduct as an employee of the Association.

(b) In the appointment of personnel and in assignment of their duties, the President of the Association shall take steps to avoid, to as great an extent as possible, any conflict between the Association duties and the private interests of such personnel.

SUBPART C—STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST

SEC. 31 *Employees required to submit statement.* (a) Each of the following employees shall submit a statement of employment and financial interest on a form provided by the Association:

(1) Each employee who within the preceding two years was employed by or served as an attorney or consultant to, a railroad or a company significantly engaged in the manufacture, construction or supply of railroad facilities and equipment, including, but not limited to, rolling stock, terminal facilities, signal equipment, track and road bed, and electrical and communication transmission equipment. The General Counsel shall decide, in a doubtful case, whether the relationship to the railroad industry is sufficiently significant as to require submission of a statement of employment and financial interest.

(2) Each employee who is in a position identified in Appendix 2.

(b) Any employee who believes that his position has been improperly included as one requiring the submission of a statement of employment and financial interest is entitled to have that inclusion reviewed by the General Counsel.

(c) Any employee in a position which meets the criteria in paragraph (a) of this section may be excluded from the reporting requirements of this section if the General Counsel determines that the duties of the position are at such a level of responsibility that the submission of a statement is not necessary because of the degree of supervision and review and the remote or inconsequential effect on the integrity of the Association.

SEC. 33 *Time and place for submission of employee statements.* Each employee who is subject to the reporting requirements of sec. 31 shall submit his employment and financial interest statement to the General Counsel within 30 days after entering the employ of the Association.

SEC. 35 *Supplementary statements.* (a) Each employee shall, not later than July 31 of each year, file a supplementary statement, showing, as of June 30 of that year, any change in, or addition to, the information contained in his statement of employment and financial interest. If changes or additions have not occurred, a negative report is required.

(b) Compliance with the reporting requirements of this Subpart is not an alternative to observance of the conflict-of-interest provisions of Subpart B of these regulations, but is to facilitate uniform compliance with, and the orderly administration of Subpart B.

SEC. 37 *Information not known by employee.* If any information required to be included on a statement of employment and financial interest or a supplementary statement, including any holding placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information on his behalf, and the employee shall so notify the General Counsel.

SEC. 39 *Information not required.* An employee is not required to submit on a statement of employment and financial interest or supplementary statement any information relating to his connection with, or interest in, a professional society, or a charitable, religious, social, fraternal, recreational, public service, civic, or political organization, or a similar organization not conducted as a business enterprise. For the purposes of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Association are considered to be "business enterprises" and are required to be included in the employee's statement of employment and financial interest.

SEC. 41 *Confidentiality of employee's statement.* (a) Except for special statements of financial interest required by sec. 13(c) each statement of employment and financial interest and each supplementary statement shall be held in confidence. The reviewing officials and others who receive statements are responsible for maintaining them in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purposes of these regulations. Information may not be disclosed to any person outside the Association, except as the General Counsel may determine for good cause shown. No disclosure permitted by this paragraph may be made unless the affected employee has been notified that disclosure is contemplated, and the employee is given an opportunity to present reasons and arguments to maintain the confidentiality of the statement.

(b) Each statement of employment and financial interest and each supplementary statement shall be maintained in the records of the Association.

SEC. 43 *Interpretation and advisory service.* The General Counsel shall provide authoritative counseling and interpretations to employees who require advice and guidance on questions of conflicts of interest or any other matters of legal import covered by these regulations.

SUBPART D—DISQUALIFICATION OF FORMER EMPLOYEES IN MATTERS CONNECTED WITH FORMER DUTIES OR OFFICIAL RESPONSIBILITIES; DISQUALIFICATION OF PARTNERS

SEC. 51 *Matters in which employee participated personally and substantially.* Except as permitted by sec. 55 hereof, an employee of the Association, after his employment has ceased, may not act as agent or attorney for anyone other than the Association in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties, in which the Association is a party or has a direct and substantial interest and in which he participated personally and substantially as an employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed.

SEC. 53 *Matters under employee's official responsibility.* Except as permitted by sec. 55 hereof, an employee of the Association may not, within one year after his employment has ceased, appear personally before the Association or any court or department or

agency of the Government as agent, or attorney, for anyone other than the Association in connection with any proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter involving a specific party or parties, in which the Association is a party or directly and substantially interested, and which was under his official responsibility as an officer or employee of the Association at any time within a period of one year prior to the termination of such responsibility.

SEC. 55 *Employee with outstanding scientific or technological qualifications.* A former employee with outstanding scientific or technological qualifications may act as attorney or agent or appear personally in connection with a particular matter in a scientific or technological field if the General Counsel certifies in writing, in advance, that the public interest would be served by such action or appearance.

SEC. 57 *Partner of employee.* A partner of an employee of the Association may not act as agent or attorney for anyone other than the Association, in connection with any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, or other particular matter in which the Association is a party or has a direct and substantial interest and in which such employee of the Association participates personally and substantially as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation or otherwise, or which is the subject of his official responsibility.

APPENDIX 1—CATEGORIES OF FINANCIAL INTERESTS EXEMPTED FROM THE PROHIBITIONS OF SECTIONS 13(a), 15, AND 17(a)

I. (a) The following are exempted from the prohibitions of sections 13(a), 15, and 17(a), because they are too remote or too inconsequential to affect the integrity of an employee's services in any matter in which he may act in his official capacity.

(1) Any holding in a widely held mutual fund, or regulated investment company, which does not specialize in the transportation industry.

(2) Ownership of shares of stock and of corporate bonds or other corporate securities, if the current aggregate market value of the stocks and other securities so owned in any single corporation is less than $10,000 and is less than one percent of the outstanding stock of the organization concerned, and if the employee, his spouse, or minor children are not active in the management of the organization and have no other connection with or interest in it.

(3) Continued participation in a bona fide pension, retirement, deferred compensation, group life, health, or accident insurance plan or other employee welfare or benefit plan that is maintained by a business or nonprofit organization by which the employee was formerly employed, to the extent that the employee's rights in the plans are vested and require no additional services by him. To the extent the welfare or benefit plan is a profit sharing or stock bonus plan, this exemption does not apply.

(b) Notwithstanding paragraph 1(a)(2), the interest of an employee, whose position is listed in section II of this appendix, shall not be exempt from the prohibitions of sections 13(a), 15, and 17(a), with respect to any stock or other security holding in an organization to which he is assigned, or for which he has specific responsibility as a part of his regular duties, for conducting inspections or issuing certificates, waivers, exemptions, or approvals.

II. The following is a list of positions to which the exemption in paragraph 1(a)(2) of this appendix does not apply. This list may be amended at any time by the Association.

[To be supplied].

APPENDIX 2—LIST OF EMPLOYEES REQUIRED TO SUBMIT STATEMENTS OF EMPLOYMENT AND FINANCIAL INTEREST UNDER SECTION 31

[To be supplied].

This action is taken under the authority of section 202(a)(5)(2) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236).

Effective date: This regulation is effective January 30, 1974.

Issued in Washington, D.C., on January 28, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-2586 Filed 1-29-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1084; Amdt. 4]

PART 1033—CAR SERVICE

Chicago, Rock Island and Pacific Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of January 1974.

Upon further consideration of Service Order No. 1084 (36 FR 22063; 37 FR 12726, 28059 and 38 FR 20840), and good cause appearing therefor:

It is ordered, That:

§ 1033.1084 *Service Order No. 1084* (Chicago, Rock Island and Pacific Railroad Company authorized to operate over tracks of Chicago and North Western Transportation Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-2466 Filed 1-29-74;8:45 am]

[S.O. 1106; Amdt. 5]

PART 1033—CAR SERVICE

Baltimore and Ohio Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of January 1974.

Upon further consideration of Service Order No. 1106 (37 FR 15307; 38 FR 3332, 14754, and 33302), and good cause appearing therefor:

It is ordered, That:

§ 1033.1106 *Service Order No. 1106* (The Baltimore and Ohio Railroad Company authorized to operate over tracks of Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., July 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., January 31, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10-17), 15(4), and 17(2)).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-2468 Filed 1-29-74;8:45 am]

[S.O. 1170]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Movement of Privately Owned Freight Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of January 1974.

It appearing, that there is increased need for privately owned freight cars including, but not limited to, covered hopper cars, flat cars, hopper cars, refrigerator cars, and tank cars, because of the current energy shortage; that acute shortages of such cars are occurring throughout the country; that these shortages of freight cars are impeding the movements of fuels as well as of agricultural, chemical, mineral, forest, and manufactured products, and other commodities; and that the existing car service rules, regulations, and practices of the railroads are ineffective with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars to meet the requirements of shippers. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1170 Service Order No. 1170.

Railroad operating regulations for movement of privately owned freight cars. Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all general service freight equipment cars described on pages 1347–1349, inclusive and listed in the section entitled "Private Car Owners" on pages 1000–1295, inclusive, of the Official Railway Equipment, Register ICC RER No. 389, issued by W. J. Trezise, or re-issues thereof, as bearing reporting marks assigned to private car owners. (See exceptions, parts (iii), (iv), and (v).)

(iii) Exception: Car of mechanical designation SC, SM, ST or NE.

(iv) Exception: Empty cars held pursuant to instructions of the car owner or lessee, or while held at an intended loading point subject to the provisions of Rule 1, Section B, Paragraph 4(b) of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto or re-issues thereof.

(v) Exception: To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers.

(vi) Actual placement means placing a car in an accessible position for loading or unloading, or placing on an industrial interchange track serving the consignor or consignee. If such placing is prevented by any cause attributable to consignor or consignee and car is placed on the private or other-than-public-delivery tracks serving the consignor or consignee, it shall be considered constructively placed without notice.

(vii) Holidays shall be those listed in Item 25 of Agent B. B. Maurer's Tariff 4–J, ICC H–59, naming Car Demurrage Rules and Charges, supplements thereto, or successive issues thereof.

(2) *Placing of cars.* (i) Loaded cars shall be actually or constructively placed within 24 hours, exclusive of Saturdays, Sundays and holidays following arrival at destination, or after arrival at the yard from which cars are dispatched for actual placement.

(ii) Empty cars which have been returned to the point of last loading under the provisions of Mileage Tariff 7–D, ICC H–60, issued by B. B. Maurer, supplements thereto or reissues thereof, or empty cars which are held in compliance with instructions of the car owner or lessee shall be placed or constructively placed within 24 hours exclusive of Saturdays, Sundays, and holidays, of receipt of orders for placement.

(iii) When delivery of a loaded car, consigned or ordered to an industrial interchange track or to an other-than-public-delivery track, cannot be made because of any condition attributable to the consignor or consignee, such car shall be held at destination or, if it cannot reasonably be accommodated there, at an available hold point; and constructive placement notice, shall be sent or given the consignor or consignee within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or hold point.

(iv) Proper notice for cars placed on public delivery tracks shall be sent or given within 24 hours after placement, exclusive of Saturdays, Sundays, and holidays.

(v) Cars held at destination for accessorial terminal services described in the applicable tariffs, such as holding for orders or inspection, shall be placed on unloading, hold, or inspection tracks; and proper notice shall be given within 24 hours, exclusive of Saturdays, Sundays, and holidays, after arrival of car at destination or at hold point. Time and charges shall be computed following such notice and demurrage or detention charges assessed in accordance with provisions of governing tariffs.

(3) *Removal of Cars.* (i) Empty cars, released for movement, must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays and holidays, following release unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered held at point where made empty must be forwarded within 24 hours following removal.

(ii) Outbound loaded freight cars must be removed from point of loading or interchange tracks of industrial plants within 24 hours exclusive of Sundays and holidays, following acceptance by carrier of the shipping instructions covering the cars. Such cars must be forwarded or set aside for repairs within 24 hours, following release and removal.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours except cars described in parts (ii), (iii), (iv), or (v) of this section, or cars described in part (ii) of Section (2).

(ii) Exception: Loaded cars held subject to instructions of consignee, consignor, or other qualified owner of the freight contained therein, while subject to applicable tariffs.

(iii) Exception: Empty cars held subject to the instructions of the car owner or lessee.

(iv) Exception: Cars held for weighing, repairs, or cleaning. (See paragraph (a) (5) of this section.)

(v) Exception: Cars held because no train or switch engine service is available between hold point and destination.

(5) *Cars held for weighing, repairs, or cleaning.* (i) Cars on which the carrier has undertaken to perform light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7:00 a.m., exclusive of Sundays and holidays, after time carded for repairs or cleaning, or after arrival at point where repairs or cleaning are performed. Light repairs or cleaning shall be accomplished within 24 hours, exclusive of Sundays and holidays, after placement on repair or cleaning tracks; except that when necessary to order material from car owner to make the repairs to foreign or private cars, repairs to foreign or private cars held awaiting such material shall be completed within 24 hours, exclusive of Sundays and holidays, after receipt of such material at the station at which the repair point is located.

(ii) Light repairs are defined as repairs requiring less than 20 man-hours by repair track forces to complete.

(iii) Cars which must be weighed shall be weighed and restenciled, if required, within 24 hours, exclusive of Sundays and holidays, after arrival at the point at which weighing is to be accomplished, or after request for weight is received, if weights are requested by shipper or by car owner.

(6) *Movement of freight cars.* (i) No common carrier by railroad subject to the Interstate Commerce Act shall delay the movement of cars by holding such cars in yards, terminals, or sidings for the purpose of increasing the time in transit of such cars.

(ii) Cars shall not be set out between terminals except in cases of emergency.

(iii) Back-hauling cars for the purpose of increasing the time in transit is prohibited.

(iv) Through cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such cars.

(v) The use by any common carrier by railroad, or the acceptance of instructions from the shipper, for the movement of cars over its line via any route other than its shortest available route or its usual and customary fast freight route

from point of receipt of the car from consignor, or connecting line, to point of delivery to consignee, or to next connecting line, except for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege) is hereby prohibited.

(b) *Rules and regulations suspended.* The operation of all tariffs and of all other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 12:01 a.m., January 28, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., August 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15 and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15 and 17(2). Interprets or applies Secs. 1(10–7), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2).))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR DOC.74–2467 Filed 1–29–74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Swan Lake National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on January 30, 1974.

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

MISSOURI

SWAN LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Swan Lake National Wildlife Refuge, Sumner, Missouri is permitted on the areas designated by signs as open to fishing. The open areas, comprising 10,500 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from March 1 through September 30, 1974 inclusive, during daylight hours only.

(2) Boats, without motors, may be used on Swan Lake, Silver Lake, and that portion of South Lake immediately adjacent to No. 5 levee.

(3) Travel is permitted on all roads except those posted with "Road Closed" signs.

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

ALFRED O. MANKE,
Refuge Manager, Swan Lake National Wildlife Refuge, Sumner, Missouri.

JANUARY 22, 1974.

[FR Doc.74–2367 Filed 1–29–74;8:45 am]

PART 33—SPORT FISHING

Wildlife Refuge Areas

The following special regulations are issued and are effective on February 1, 1974.

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

ARKANSAS

HOLLA BEND NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of Holla Bend National Wildlife Refuge. Sport fishing shall be in accordance with all applicable State and Federal regulations covering fishing, subject to the following special conditions:

(1) Fishing is permitted only during the period March 15 through September 30, daylight hours only.

FLORIDA

LOXAHATCHEE NATIONAL WILDLIFE REFUGE

Sport fishing on the Loxahatchee National Wildlife Refuge, Delray Beach, Florida, is permited only on the areas designated by signs as open to fishing. These open areas, comprising 74,492 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from February 23, 1974, to February 22, 1975.

(2) Fishing is restricted to 1½ hours before sunrise until 1 hour after sunset.

(3) Boats may enter or leave the refuge only at the three public ramps as follows:

(a) North end of the refuge at S–5A landing.

(b) Headquarters boat ramp.

(c) S–39 boat ramp on south end of refuge.

(4) Method of fishing is with attended rod and reel and/or pole and line. Trotlines, limb lines, nets, or other set tackle prohibited.

(5) Air-thrust boats may be authorized only by special permit issued by the refuge manager. Speedboats and racing craft are prohibited except for official purposes.

(6) Persons must follow such routes of travel within the area as may be designated by posting by the refuge officer-in-charge. To protect Government property or wildlife the refuge officer-in-charge may close any or all of the area.

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Salt and freshwater fish may be taken in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted in the open areas year-round except that fishing may be prohibited at certain times when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited. Air-thrust boats are not allowed on Refuge waters.

(2) Legal methods of fishing:

(a) Attended rod and reel and/or pole and line permitted.

(b) Bow fishing with retrieving line attached.

(c) Cast nets are permitted with not more than 7 feet length and not more than 14 feet in diameter and no less than 1 inch mesh.

(3) All State regulations must be obeyed while fishing on the Refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special Refuge permit is required.

ST. VINCENT NATIONAL WILDLIFE REFUGE

Sport fishing on the St. Vincent National Wildlife Refuge, Franklin County, Apalachicola, Florida, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 360 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations.

(1) The sport fishing season extends from March 1, 1974, through October 30, 1974.

(2) Fishermen are permitted on the refuge from 1 hour before sunrise to 1 hour after sunset.

(3) No motors of any type may be used.

(4) Users must follow designated routes of travel from the beach to the open fishing area.

(5) Boats may be left on the island at designated points during the open season provided they are identified with their owner's name and address. Boats must

be removed from the refuge no later than October 30, 1974.

(6) Use of live minnows as bait is prohibited.

GEORGIA

BLACKBEARD ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Blackbeard Island National Wildlife Refuge, McIntosh County, Townsend, Georgia, is permitted only on the areas designated by signs as open to fishing. Those open areas, comprising 680 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1974, through October 25, 1974.

(2) Fishing is permitted in daylight hours only.

(3) Boats with electric motors permitted. Boats with gasoline powered outboard motors prohibited.

(4) Use of live minnows as bait prohibited.

LOUISIANA

CATAHOULA NATIONAL WILDLIFE REFUGE

Sport fishing on the Catahoula National Wildlife Refuge, Jena, Louisiana, is permitted on the area designated by signs as open to fishing. The open area, comprised of the Cowpen Bayou Impoundment, is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations and the following special refuge conditions:

(1) The sport fishing season on the refuge extends from April 13, 1974, through October 13, 1974.

(2) Fishing permitted from 30 minutes before sunrise to 30 minutes after sunset.

(3) Gasoline powered outboard motors are not allowed. Electric trolling motors may be used.

(4) Boats may not be left in the refuge overnight.

(5) No camping or campfires permitted.

(6) No firearms permitted on the refuge.

LACASSINE NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacassine National Wildlife Refuge, Lake Arthur, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 28,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 1, 1974, through October 15, 1974.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishing permitted from one hour before sunrise to one hour after sunset.

(4) Entry to Lacassine Pool restricted to four roller-ways provided.

(5) Boats may not be left inside the refuge overnight.

(6) Boats with outboard motors no larger than 20 horsepower permitted in Lacassine Pool. No size restrictions on boats and motors in the canals and streams.

SABINE NATIONAL WILDLIFE REFUGE

Sport game fishing on the Sabine National Wildlife Refuge, Sulphurs, Louisiana, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 40,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport game fishing season on the refuge extends from March 1, 1974, through October 15, 1974.

(2) No person may possess more than the daily creel limit allowed by State regulations.

(3) Fishermen must not enter refuge waters earlier than one hour before sunrise and shall leave refuge waters by one hour after sunset.

(4) Boats may be moored only at designated areas in Pool 1b or Pool 3. Boats left at these mooring sites must bear owner's name and address. Boats found moored outside designated areas or without required identification will be removed to refuge headquarters. All boats must be removed from the refuge prior to the close of the fishing season.

(5) Boats may not be dragged across levees for access to pool areas. Travel over the refuge is restricted to waterways. Fishermen are not to walk canal banks or levees. Boat access into Pool 1b is restricted to bridge sites on Road Canal.

(6) Boats with outboard motors not larger than 20 horsepower permitted in refuge lakes and impoundments. No size restrictions on boats and motors in the canals and bayous.

NORTH CAROLINA

PEE DEE NATIONAL WILDLIFE REFUGE

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

(1) Open Season: *Year-Round*—Brown Creek—within 100 yards of the Brown Creek Recreation Area.

(2) Open Season: April 1–September 30—Sullivan Pond—Anson County; Andrews Pond—Richmond County; Pee Dee River—Anson and Richmond Counties.

(3) Fishing permitted from sunrise to sunset.

(4) Only bank fishing permitted.

(5) No special refuge permit is required. State license must be carried on the person and exhibited to Federal or State officers upon request.

SOUTH CAROLINA

SAVANNAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Savannah National Wildlife Refuge, Jasper County, Hardeeville, South Carolina, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 3,000 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations except the following special conditions:

(1) The sport fishing season on the refuge extends from March 15, 1974, through October 25, 1974.

(2) Fishing is permitted during daylight hours only.

(3) Boats powered with electric outboard motors are permitted in the impoundments. Boats powered with gasoline outboard motors are prohibited in the impoundments.

SANTEE NATIONAL WILDLIFE REFUGE

Sport fishing on Santee National Wildlife Refuge is permitted on all areas except for those designated by signs as being closed. The closed areas are delineated on a map that is available at refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations and subject to the following conditions:

(1) Waters within all land units (Cuddo, Pine Island, Bluff, and Dingle Pond) are closed to fishing.

(2) Cantey Bay, Blackbottom, and Savannah Branch are closed from November 1 to February 28.

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

C. EDWARD CARLSON,
Regional Director, Bureau of Sport Fisheries and Wildlife.

JANUARY 23, 1974.

[FR Doc.74-2442 Filed 1-29-74;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN CONCENTRATED APPLE JUICE

Proposed U.S. Standards for Grades; Correction

In FR Doc. 74–1340, appearing on page 2006 in the issue of January 16, 1974 make the following change:

1. Page 2006 in the Preamble, paragraph three, lines four and five change January 15, 1974 to February 28, 1974.

Dated: January 24, 1974.

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

[FR Doc.74–2399 Filed 1–29–74;8:45 am]

[7 CFR Part 52]

DEHYDRATED, LOW-MOISTURE APRICOTS

Proposed Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Dehydrated, Low-Moisture Apricots pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624). The cited section of the Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and upon payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than February 28, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration leading to the amendment. Two major producers have requested that the maximum moisture limit for dehydrated, low-moisture apricots be raised from the present 3½ and 5 percent levels to 7½ percent. Although there is research that indicates a lesser shelf life with higher moistured products, we are not aware of any showing that the keeping quality, within the normal shelf life of commercial products, is adversely affected. Very high quality dried product is necessary to manufacture a U.S. Grade A dehydrated product due to the rigors of the process. There is an increasing scarcity of high quality dried product. The USDA concurs with the producers that an increased moisture level would result in a reduction of the browning in the dehydrated product.

Although there may be some shortening of shelf life, it would be a reasonable trade off with an increased availability of U.S. Grade A quality dehydrated product for the consumer.

The proposed amendment would change § 52.3872 (only) to read:

§ 52.3872 Moisture of low-moisture apricots.

The moisture content of all styles of the finished product shall be not more than 7½ percent.

Dated: January 23, 1974.

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

[FR Doc.74–2400 Filed 1–29–74;8:45 am]

[7 CFR Part 52]

DEHYDRATED, LOW-MOISTURE PEACHES

Proposed Standards for Grades [1]

Notice is hereby given that the United States Department of Agriculture is considering an amendment to the United States Standards for Grades of Dehydrated, Low-Moisture Peaches pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624). The cited section of the Agricultural Marketing Act of 1946 provides for the issuance of official United States grades to designate different quality levels for the voluntary use of producers, buyers, and consumers. Official grading services are also provided for under this Act upon request and upon payment of the fee to cover the cost of such services.

Interested persons desiring to submit written data, views, or arguments for consideration in connection with the proposal should file the same, in duplicate, not later than February 28, 1974, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public review at the office of the Hearing Clerk during regular business hours (7 CFR, 1.27 (b)).

Statement of consideration leading to the amendment. Two major producers have requested that the maximum moisture limit for dehydrated, low-moisture peaches be raised from the present 3 and 5 percent to 7½ percent. Although there is research that indicates a lesser shelf life with higher moisture products, we are not aware of any showing that the keeping quality, within the normal shelf life of commercial products, is adversely affected. Very high quality dried product is necessary to manufacture a U.S. Grade A dehydrated product due to the rigors of the process. There is an increasing scarcity of high quality dried product. The USDA concurs with the producers that an increased moisture level would result in a reduction of the browning in the dehydrated product.

Although there may be some shortening of shelf life, it would be a reasonable trade off with an increased availability of U.S. Grade A quality dehydrated product for the consumer.

The proposed amendment would change § 52.3912 (only) to read:

§ 52.3912 Moisture of low-moisture peaches.

The moisture content of all styles of the finished product shall be not more than 7½ percent.

Dated: January 24, 1974.

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

[FR Doc.74–2401 Filed 1–29–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Referrals for Vocational Rehabilitation Services and Treatment for Drug Addiction and Alcoholism

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form below are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the provisions of sections 1611 (e)(3) and 1615 of title XVI of the Social Security Act, as amended effective January 1, 1974, by section 301 of Pub. L. 92–603 enacted October 30, 1972 (42 U.S.C. 1382(e)(3) and 1382d).

Section 1611(e)(3) of the Act requires, as a condition of eligibility for supplemental security income benefits, that disabled individuals, medically determined to be drug addicts or alcoholics, undergo appropriate available treatment for drug addiction or alcoholism, as the case may be, at an institution or facility approved for such purpose by the Secretary.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Section 1615 of the Act provides for referral of blind or disabled individuals to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act. Acceptance of vocational rehabilitation services is a condition of eligibility under title XVI for those so referred and refusal to accept vocational rehabilitation services without "good cause" results in ineligibility. The regulations contain examples of situations where "good cause" for failure to accept vocational rehabilitation services will be found.

The proposed regulations also contain a statement (§ 416.1701) of the contents of Subpart Q. In addition to the provisions set forth below, Subpart Q will also contain provisions implementing sections 1612(b)(4)(A)(iii), 1612(b)(4)(B)(ii), and 1613(a)(4) of the Act with respect to the exclusion of countable income and resources of a blind or disabled individual 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 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 March 1, 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 1102, 1611(e)(3), 1615, and 1631(d)(1), 49 Stat. 647, as amended, 86 Stat. 1466, 1474, and 1475; 42 U.S.C. 1302, 1382(e)(3), 1382d, and 1383(d)(1).

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

Dated: January 15, 1974.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: January 22, 1974.

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

Subpart Q of Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto new §§ 416.1701, 416.1703, 416.1705, 416.1707, 416.1710, and 416.1711 to read as follows:

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

Sec.
416.1701 Scope of subpart.
416.1703 Referral of blind and disabled individuals for vocational rehabilitation services.
416.1705 Ineligibility to benefits because of refusal to accept vocational rehabilitation services.
416.1707 Good cause for refusal of vocational rehabilitation services.
416.1710 Referral of drug addicts and alcoholics for treatment.
416.1711 Refusal to accept treatment for drug addiction or alcoholism.

AUTHORITY: Secs. 1102, 1611(e)(3), 1615, 1631(d)(1); 49 Stat. 647, as amended, 86 Stat. 1466, 1474, 1475; 42 U.S.C. 1302, 1382(e)(3), 1382(d), 1383(d)(1).

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

§ 416.1701 Scope of subpart.

This Subpart Q contains provisions:

(a) Implementing section 1615 of the Act (42 U.S.C. 1382d) with respect to referrals of blind or disabled recipients for vocational rehabilitation services;

(b) Implementing section 1611(e)(3) of the Act (42 U.S.C. 1382(e)(3)) with respect to the referral of disabled individuals medically determined to be drug addicts or alcoholics for appropriate treatment, where available, at an institution or facility approved for such purpose; and

(c) Implementing the provisions of sections 1612(b)(4)(A)(iii), 1612(b)(4)(B)(ii), and 1613(a)(4) of the Act (42 U.S.C. 1382a(b)(4)(a)(iii), 138a(b)(4)(B)(ii), and 1382b(a)(4)) with respect to the exclusion of countable income and resources of a blind or disabled individual necessary to fulfill a plan for achieving self-support.

§ 416.1703 Referral of blind and disabled individuals for vocational rehabilitation services.

A disabled or blind individual under age 65 and receiving benefits under this part will be referred to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act for a review of his need for and utilization of available vocational rehabilitation services. Such referrals will be made: (a) At the time it is determined that an individual is eligible for benefits based on disability or blindness; and (b) at such other times as may be scheduled according to individual circumstances.

§ 416.1705 Ineligibility to benefits because of refusal to accept vocational rehabilitation services.

A disabled or blind individual under age 65, who is receiving benefits under this part, and who has been referred to an appropriate State agency administering a State plan for vocational rehabilitation shall not be eligible for benefits for any month in which he refuses, without good cause, to accept vocational rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act (see § 416.1328(a)).

§ 416.1707 Good cause for refusal of vocational rehabilitation services.

(a) An individual may refuse to accept vocational rehabilitation services if his refusal is based on good cause. For example, an individual has good cause for refusing vocational rehabilitation services where:

(1) He is a member or adherent of any recognized church or religious sect which teaches its members or adherents to rely solely, in the treatment and care of any physical or mental impairment, on prayer or spiritual means through the application and use of tenets or teachings of such church or sect and his refusal to accept vocational rehabilitation services was due solely to his adherence to teachings or tenets of his church or sect; or

(2) The recipient is a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

(b) A recipient claiming to have good cause for refusal of vocational rehabilitation services has the burden of establishing such good cause by clear and convincing evidence.

§ 416.1710 Referral of drug addicts and alcoholics for treatment.

An individual under age 65 who is determined to be disabled and is medically determined to be a drug addict or alcoholic (see § 416.981) will be referred to an approved institution or facility (see § 416.984) for appropriate and available treatment of his drug addiction or alcoholism.

§ 416.1711 Refusal to accept treatment for drug addiction or alcoholism.

An individual who has been duly referred in accordance with § 416.1710 shall not be eligible for benefits for any month in which he refuses to accept appropriate and available treatment for his drug addiction or alcoholism (see § 416.1326).

[FR Doc.74-2328 Filed 1-29-74;8:45 a.m.]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WA-13]

NEW ORLEANS, LA.

Proposed Terminal Control Area

Correction

In FR Doc. 74-933, appearing at page 1780 in the issue for Monday, January 14, 1974, make the following changes:

1. In the 6th line of the second paragraph, the word "proposed" should read "proposal".

2. The second sentence of the 4th paragraph should read as follows: "The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience

gained from earlier established TCAs and the publication dates of associated aeronautical charts."

[14 CFR Part 129]

[Docket No. 13514; Notice No. 74–3]

FOREIGN AIR CARRIERS

Proposed Aviation Security Program Requirements

Correction

In FR Doc.74–2297, appearing at page 3293, in the issue for Friday, January 25, 1974, make the following changes:

1. In the second full paragraph, 4th line, the word "on" should read "of".
2. In § 129.25(d), 3rd line, insert the word "to" between the words "flown" and "or".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–5, Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice proposes an amendment to Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, that would establish performance requirements for optional accelerator position indicator lamps and deceleration signals.

Approximately one-third of the two-vehicle accidents reported in 1972 in urban areas involved rear-end collisions, (Accident Facts, 1973 Edition, p. 47). The NHTSA considers it possible that auxiliary rear lighting systems would be beneficial in reducing the number of rear-end collisions that now occur in heavy-volume, close-headway traffic. Two auxiliary signaling systems that have elicited considerable public interest are based upon the signaling of vehicle acceleration or braking by lamp color, and the provision of a pulsating signal to indicate rapid deceleration. Petitions that Safety Standard No. 108 be amended to require systems of this nature have been received from the Center for Auto Safety, Donel Corporation, and Mr. J. R. Hendrickson of Bloomfield Hills, Michigan. The NHTSA has granted these petitions to the extent that it has decided to initiate rulemaking that would allow consumers the choice of two optional auxiliary rear lighting systems.

The first optional system would use color coding to indicate the various positions of the accelerator and service brake pedals. A green signal would mean that the accelerator pedal is applied. A yellow (amber) signal would signify that neither the accelerator pedal nor the brake pedal was applied. Red would indicate that the service brakes are applied. Yellow and green signals would be automatically deactivated whenever the red signal is activated. The maximum permissible candlepower for these lamps would be 60. No minimum intensity is at present proposed but the NHTSA is interested in receiving comments on whether a minimum should be specified and, if so, an appropriate value. Because of the meaning of the signals the lamps would be mounted in a vertical array on the rear vertical center line of the vehicle, one of each color in the same relative position as standard traffic control signal lights, red at the top, yellow in the middle, and green at the bottom. The colors would have the coordinates proposed in Docket No. 69–19; Notice 3 (37 FR 22801).

The second optional rear lamp system would provide a signal indicating that the vehicle was decelerating rapidly. Two lamps, which could be the stop lamps, would flash at a rate of 3 to 5 cycles per second whenever a vehicle is decelerating at a rate of 10 feet per second or more. The red lamp of the first optional system could be wired into the deceleration-signal system.

The agency has not concluded on the basis of information presently available that either system should be mandatory. Cost/benefit factors are indeterminate, since the benefits of wide-scale use are unknown. Therefore, the proposal is that the systems be allowed as options. Currently such signaling systems are tacitly permitted by Standard No. 108. However, there is no standardization of their characteristics, and furthermore they may be differently regulated by various States. One State has recently enacted legislation permitting a red-yellow-green system, while several States prohibit the color green from being displayed on the rear of motor vehicles. Several others restrict the use of flashing red lights.

The ultimate substantive issue may, therefore, be whether these additional informational systems enhance alertness of following drivers to rapid changes in the traffic environment or merely contribute to driver fatigue, confusion and annoyance.

The NHTSA invites general and specific comments on the advisability of these proposed auxiliary lighting systems, including those from the motor vehicle industry, the States, driver-oriented organizations, consumer groups, and the motoring public.

In consideration of the foregoing, it is proposed that 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, be amended by adding the following new paragraphs.

S_____. A motor vehicle may be equipped with a signal lamp system at the rear to indicate whether force is being applied to the accelerator or brake pedal, which shall meet the following requirements:

(a) One red lamp shall be provided that shall activate whenever the service brake is being applied. The red lamp shall be distinct from any other red lamp on the rear of the vehicle. The lamp may flash to indicate when the vehicle is decelerating rapidly, in accordance with S_____.

(b) One yellow lamp shall be provided that is activated whenever neither the accelerator pedal nor the service brake is being applied.

(c) One green lamp shall be provided that is activated whenever the accelerator pedal is being applied.

(d) Each lamp shall be steady burning in service.

(e) No lamp in the system shall exceed 60 candlepower.

(f) When the red lamp is activated, the yellow and green lamps shall be deactivated.

(g) The lamps shall be mounted in a vertical array on the vehicle centerline in descending order of red, yellow, and green.

(h) The green lamp shall be mounted not less than 15 inches above the road surface, and the red lamp shall be mounted not more than 83 inches above the road surface, measured from the center of the lamp on a vehicle at unloaded vehicle weight.

S_____. A motor vehicle may be equipped with a signal lamp system at the rear to indicate when the vehicle is decelerating rapidly. The system shall consist of two red lamps, which may be the stop lamps. The system shall flash at a rate of 3 to 5 cycles per second whenever the deceleration of the vehicle equals or exceeds 10 feet per second per second. The system may, at the option of the manufacturer, continue to flash until manually deactivated, provided that a red indicator light also flashes to inform the driver that the system is in operation.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, S.W., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after that date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggesetions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment due date: April 1, 1974.

Proposed effective date: 30 days after publication of the final rule in the FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on January 25, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–2406 Filed 1–29–74;8:45 am]

[49 CFR Part 571]

[Docket No. 74–4; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Passive Belt Release Mechanism

This notice proposes an amendment to Standard No. 208, *Occupant crash protection*, 49 CFR 571.208, to specify release requirements for seat belt assemblies that require no action by vehicle occupants (passive belts). The notice responds to a petition for rulemaking by Volkswagenwerk Aktiengesellschaft and Volkswagen of America, Inc., and interprets Standard No. 208 to permit use of such a passive belt system in satisfaction of second-option crash protection requirements for passenger cars manufactured from September 1, 1973, to August 14, 1975.

Volkswagen petitioned for a new crash protection option under S4.1.2 to permit the introduction and field testing of its passive belt system, which consists of an upper torso restraint and knee padding, in its 1975 model cars. Paragraph S4.5.3 of the standard already permits the use of a passive belt system "to meet the crash protection requirements of any option under S4. and in place of any seat belt assembly otherwise required by that option." Thus, this language permits the use of the Volkswagen passive belt system to meet the perpendicular impact protection requirements of option two and to replace the required seat belt assemblies. Option two exists, in fact, to accommodate the introduction of passive restraint systems like Volkswagen's which cannot yet meet all requirements of option one. So far as the Volkswagen petition requests an additional option for this purpose, the petition is denied as unnecessary.

Volkswagen's petition also requests that passive protection systems be equipped with a means of releasing all restraint forces either automatically following a crash or manually at a single point, with any manual release guarded by an ignition interlock and warning buzzer. The issue of emergency release of passive restraints was raised in Notice 11 to Docket 69–7 (36 FR 12866, July 8, 1971). Based on evaluation of comments to that docket, the National Highway Traffic Safety Administration (NHTSA) has determined that a single-point manual release latch mechanism which conforms to S7.2 of the standard (and guarded by an interlock and warning buzzer), provides the best emergency and special release performance for a passive belt system.

Comments directed to passive belt systems objected to the idea of a "no belt separation"- and "self-restoring"-type manual release. Comments stressed difficulties in postcrash egress, particularly for aged, obese, or injured occupants and possible jamming of the retractor release in a crash. Also mentioned was the difficulty of special exit by the driver from the curb side of a vehicle. The NHTSA agrees that post-crash egress and avoidance of possible entrapment are important restraint system considerations and proposes a single-point latch mechanism that conforms to S7.1 and S7.2. This mechanism would be familiar to vehicle occupants, and offer positive release in emergency and routine situations.

The single-point release would be equipped with a warning system and starter interlock nearly identical to that proposed by Volkswagen, and with minor changes, it is proposed that their petition be granted as to warning interlock systems. The interlock would prevent starting when the latch mechanism is not fastened, but it would not affect operation of the vehicle once started. A warning system would operate for one minute if the latch is not fastened when the ignition switch is in the "start" position and whenever the engine is running with the transmission gear selector in any forward position.

In consideration of the foregoing and in response to the petition of Volkswagenwerk Aktiengesellschaft and Volkswagen of America, Inc., it is proposed that Standard No. 208, § 571.208 of Title 49, Code of Federal Regulations, be amended as follows:

1. In S4.1.2.2 the phrase "Except as provided in S4.5.3," would be added at the beginning of the first sentence.

2. Paragraph S4.5.3.3 would be amended to read:

S4.5.3.3 A passive belt furnished pursuant to S4.5.3 shall—

(a) Conform to S7.1 and S7.2 of this standard;

(b) In place of a warning system that conforms to S7.3 of this standard, be equipped with a warning system that activates, for at least one minute, a continuous or intermittent audible signal and a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts", whenever the ignition switch is in the "start" position and the latch mechanism is not fastened, and whenever the vehicle engine is running, the transmission gear selector is placed in any forward position, and the latch mechanism is not fastened; and

(c) In place of a belt interlock system that conforms to S7.4 of this standard, be equipped with a belt interlock system that prevents operation of the engine starting system if the latch mechanism is not fastened, but does not affect the operation of the vehicle when the engine is running.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: March 18, 1974.

Proposed effective date: Thirty days after publication of rule in FEDERAL REGISTER.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 501.8).

Issued on January 25, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–2405 Filed 1–25–74;2:20 pm]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–10591, et al.]

[17 CFR Part 240]

ANNUAL REPORTS

Proxy and Information Statements

The Commission is proposing for comment amendments to Rules 14a–3 (17 CFR 14a–3) and 14c–3 (17 CFR 240.-14c–3) of its Proxy and Information Statement Rules under sections 14(a) and 14(c), respectively, of the Securities Exchange Act of 1934 (Exchange Act). These rules deal with the information required to be furnished to security holders in connection with meetings of security holders and the solicitation of proxies. The proposed amendments would require that more meaningful business and financial information concerning the issuer be furnished in the annual report to security holders. (As indicated in paragraph (b)(10) of the proposed rules, most of the amendments would not relate to Investment Companies registered under the Investment Company Act of 1940.) In addition, in order to assure that security holders actually receive the annual report, the proposed amendments would require that if the issuer knows that any securities entitled to vote at a meeting are held of record by brokers, dealers, banks or certain other persons, the issuer should obtain from such record owners information as to the number of beneficial owners and should provide enough copies of the proxy material and, if the solicitation relates to a meeting at which directors are to be elected, of the annual report so that each beneficial owner can receive copies. In addition, the issuer would be required to pay the reasonable expenses of sending such material to the beneficial owners.[1]

[1] The note to Rules 14a–3(b) and 14c–3(a) would continue to be applicable. Those notes provide the requirement for sending an annual report to security holders of record having the same address will be satisfied by sending only one copy to such address, if such record holders agree in writing. This does not however relieve a record holder from any obligation to send a copy of the report to another person.

The proposed amendments would also require that an issuer include in its annual report to security holders a statement that the issuer will provide a copy of the issuer's most recent Annual Report on Form 10–K (17 CFR 249.310) to a security holder on request.

The purpose of these proposed amendments is to improve the disclosure in annual reports furnished to security holders, without impinging on the freedom of management to include information that it considers to be of interest to security holders, and to improve the dissemination of the annual report to security holders and of the annual report on Form 10–K filed with the Commission.[2]

Disclosure in annual report to security holders. Rule 14a–3 provides that any solicitation of security holders made on behalf of management and relating to an annual meeting of security holders at which directors are to be elected must be accompanied or preceded by a written proxy statement conforming to Schedule 14A and that each proxy statement must be accompanied or preceded by an annual report to security holders. The annual report must contain certain financial information, as set forth in paragraph (b) (1), (2), and (3) of the Rule. Rule 14c–3, relating to the furnishing of information statements, is substantially similar. This annual report to security holders is one of the most widely read disclosure documents, and potentially the best suited for communicating information in an informative, readable and understandable form to security holders and potential investors. The detailed disclosure required in annual reports on Form 10–K is of significant value to securities analysts. Many analysts have ready access to such reports and are able to analyze their contents. Form 10–K reports, however, are of little direct value to the average security holders who do not have such access and may not have the necessary background and experience to analyze the contents. The Commission believes that it is necessary to recognize the varying information needs of different users of financial disclosure documents. The Commission considers it essential, therefore, that the annual report to security holders contain meaningful information about the company. In the last few years, amendments have been made to the various reporting forms under the Exchange Act which have, in the Commission's view, significantly improved disclosure in reports which are filed with the Commission. The Commission's objective in proposing these amendments is likewise to improve disclosure in the annual report to security holders.

The Commission's proposals are based in part on recommendations of the Industrial Issuers Advisory Committee which were submitted to the Commission on December 22, 1972.[3] That Committee specifically recommended that Rules 14a–3 and 14c–3 be amended to require that annual reports include a brief description of the business of the issuer, line of business disclosures and five year summary of earings consistent with Form 10–K, explanatory comment on material changes in financial condition in the past year, identification of principal executive officers and directors and discussion of principal accounting policies and changes in such policies. In addition, the Commssion has considered ideas expressed in the New York Stock Exchange White Paper, Recommendations and Comments on Financial Reporting to Shareholders and Related Matters,[4] and has considered its own experience in dealing with proxy statements and annual reports to security holders, as well as with reports required to be filed with the Commission.

The Commission is proposing to amend Rules 14a–3 and 14c–3 to require that all annual reports furnished to security holders pursuant thereto contain the description of business presently required in reports of an issuer soliciting proxies pursuant to the Proxy Rules for the first time together with the lines of business and classes of products or services information required by Items 1(c)(1) and 1(c)(2) of Form 10–K (Proposed Rules 14a–3(b)(6) and 14c–3(b)(6)). In addition, the substance of the information required by Item 2, "Summary of Operations", of Form 10–K and by any guides adopted by the Commission thereto, would be required to be included (Proposed Rules 14a–3(b)(4) and 14c–3(b)(4)). In particular, this would include the textual introduction to the summary of operations, explaining changes in operating and nonoperating revenues and expenses, to be required by Proposed Guide 1 to the Proposed Guides for the Preparation and Filing of Registration Statements and Reports under the Exchange Act, if such guide is adopted. Securities Act Release No. 5443 (December 12, 1973) (39 F.R. 829). Further, the Commission is proposing to add a note to Rules 14a–3 and 14c–3 reminding issuers that no charts, graphs or similar presentation of a financial nature should present information in a light more or less favorable than the financial statements. The proposed amendments would also require that the financial statements that are presented as required by existing Rule 14a–3(b)(1) be certified for the two most recent fiscal years, rather than for only the most recent. This is consistent with the Form 10–K requirements. To supplement this financial disclosure in the annual report, the proposed amendments would also require management to include such textual information as would, in its opinion, indicate the nature and scope of the liquidity position and of the working capital requirements of the issuer. Depending on the issuer's business and operations, this should include a discussion of peak seasonal demands for working capital, availability and cost of credit, policies associated with the extension of credit to customers, purchase commitments related to inventories, policies followed as to the magnitude of inventory to be maintained, and future financing requirements and plans. (Proposed Rules 14a–3(b)(5) and 14c–3(b)(5)). The object of these requirements would be to provide information to security holders about the financial position of the issuer in enough detail, and with enough explanation, that the information is meaningful to the security holder.

The two other types of information that the proposed amendments would require to be included in the annual report relate to the identity of management and the identity and performance of the market for the issuer's securities. A requirement is proposed to be added that the executive officers and the directors of the issuer be named in the annual report and, at a minimum, that the employment and business affiliation, if any, of such persons be set forth. (Proposed Rules 14a–3(b)(7) and 14c–3(b)(7)). In addition, the proposed amendments would require that the annual report identify the principal market in which the securities of any class entitled to vote are traded; that the report state the high and low sales prices or range of bid and asked quotations for such securities, in the absence of sales information, for each quarterly period within 2 years and further that the report state the dividends paid on such securities during such 2 years and the issuer's dividend policy with respect to such securities (Rules 14a–3(b)(8) and 14c–3(b)(8)).

In connection with these requirements for inclusion of substantive information in the annual report, the proposed amendments also contain a Note to the effect that the information required could be presented in any form deemed suitable by management, including an appendix or other separate section of the annual report, provided that the attention of the security holders is called to the presentation.

At the present time, a description of business, an identification of the officers and directors, and at least a five year summary of operations (often ten years) are included in many annual reports. The Commission is of the opinion that this information, and the other specified information discussed above should be included in all annual reports because such information is important to a security holder's understanding and evaluation of

[2] If the proposed amendments are adopted, the Commission will consider withdrawing its proposed amendment to Form 10–K that would have required generic disclosure in the Form 10–K of the items of information disclosed in the Form 10–K but not in the annual report to security holders. Securities Exchange Act of 1934 Release No. 9576 (April 20, 1972) (37 FR 9045).

[3] *See* Report of the Industrial Issuers Advisory Committee to the Securities and Exchange Commission, Washington, D.C., December 22, 1972, at 7–8, 25–32.

[4] New York Stock Exchange, Recommendations and Comments on Financial Reporting to Shareholders and Related Matters, a White Paper, December 17, 1973.

the management for whom he is being asked to vote and of his investments.

The Commission believes that the proposed amendments, if adopted, would not significantly increase burdens on issuers since the information required in the annual report to security holders would be substantially the same information as that required to be reported on the issuer's Form 10–K. Also, the annual report would retain its status as a non-filed document and as non-proxy soliciting material pursuant to Rules 14a–3(c) and 14c–3(b), so that it would continue not to be subject to the express civil liability provisions of Section 18 of the Exchange Act or to Rule 14a–9 (17 CFR 240.14a–9) thereunder and the "free writing" aspect of the report would be preserved. There would continue to be no pre-filing review by the Commission staff of the annual report. It should be noted by issuers, however, that their annual reports are now, and will continue to be, subject to the anti-fraud provisions of Rule 10b–5 (17 CFR 240.10b–5) under section 10(b) of the Exchange Act.

Dissemination of the annual report. The Commission is concerned that, although the annual report to security holders is the most successfully disseminated disclosure document, some security holders whose securities are held in street name or otherwise by record holder, are not receiving copies of the annual report or of proxy solicitation material. The issuer will normally have only the names and addresses of the record holders, in many cases brokers, dealers, or banks, which, for convenience or other reasons, are holding the securities on behalf of the beneficial owner.

The Information Statement Rules under the Exchange Act contain a requirement in Rule 14c–7 (17 CFR 240.14c–7) that, if the issuer knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer must inquire of such record holder whether other persons are the beneficial owners. If there are other beneficial owners, the rule requires the issuer to obtain from the record holder information as to the number of copies of the information statement, and if an annual report is required, of the annual report, necessary to supply these documents to the beneficial owners of the securities. The issuer is then required to supply as many copies as are needed and to pay reasonable expenses to the record holder for completing the mailing of the material to the beneficial owners.

The Commission is now proposing to adopt a similar rule under the Proxy Rules to require that the issuer perform the same functions in making sure that beneficial owners of securities held by certain record holders receive copies of the proxy statement, the proxy card, and the annual report to security holders, if one is required. The issuer would also be required to pay reasonable expenses of the record holder for completing the mailing of the material to the beneficial owners.

The Commission believes that this requirement would improve the dissemination of the annual reports without imposing a substantial burden on the issuers. The issuer would be required by the proposed Rule 14a–3(d) to make inquiry of certain record holders only where it knew that securities were held of record. In addition, many issuers already do what the proposed rule would require because they are interested in reaching as many of their security holders as possible in order to obtain proxies and in order to maintain good communication with their security holders.

Dissemination of the issuer's annual report on form 10–K. Although the proposed amendments to the Proxy and Information Rules described herein would, if adopted, significantly improve the disclosure in the annual report to security holders, there are some security holders who are interested in more detailed and extensive information of the type that appears in the issuer's Report on Form 10–K filed with the Commission pursuant to Rule 13a–1 under the Exchange Act. The Commission has received letters from security holders complaining of the difficulty of obtaining copies of their company's Form 10–K. Such report is available to the public through the Commission, but obtaining it may be burdensome or expensive for the average stockholder.

The Commission believes that the issuer should provide a copy of its Report on Form 10–K for its most recent fiscal year to any security holder who is solicited for a proxy and who requests a copy. In order to accomplish this, the Commission is proposing to amend Rule 14a–3(b)(9) to provide that the management's proxy statement contain an undertaking in bold-face type to provide to each person solicited, upon his written request, a copy of the issuer's annual report filed, or to be filed, with the Commission for the issuer's last fiscal year.[5]

The texts of the proposed amendments to §§ 240.14a–3 and 240.14c–3 are as follows:

§ 240.14a–3. Information to be furnished to security holders.

* * * * *

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however*, That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements, other than the notes thereto, shall be in roman type at least as large and as legible as 8-point modern type. All notes to such financial statements shall be in roman type at least as large and as legible as 10-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in the financial statements in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided*, That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last 2 fiscal years required by paragraph (b)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) The report shall contain a summary of operations in substantially the form required by Item 2 of Form 10–K under the Act.

NOTE: Registrants also should consider any applicable guidelines for the preparation and filing of registration statements and reports under the Act issued by the Commission which relate to Item 2 of Form 10–K.

[5] Also as proposed the undertaking would apply to issuers filing annual reports on other forms such as Form 12–K (17 CFR 249.312).

(5) The report shall include textual information as will, in the opinion of management, indicate the nature and scope of the liquidity and working capital requirements of the issuer. Matters that should be considered include peak seasonal demands for working capital, availability and cost of credit, policies associated with the extension of credit to customers, purchase commitments related to inventories, policies followed as to the magnitude of inventory to be maintained, and future financing requirements and plans.

NOTE: No chart, schedule, "financial highlights" section, graph, figure, or similar material of a financial nature contained anywhere in the report shall present the results of operations or other material financial information for two or more periods, in a light either more or less favorable than the financial statements included in the report.

(6) The report shall also contain such information as to the business done by the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries. In addition the report shall contain the same information required by Item 1(c)(1), "Information as to lines of business" and Item 1(c)(2) "Information as to classes of similar products and services" of Form 10–K.

(7) The report shall contain, at a minimum, the name, principal occupation or employment and the name and principal business of any organization in which such employment is carried on, for each director and each of the executive officers of the corporation.

NOTE: The term executive officer is defined in Item 8 of Form 10–K.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotations) for each quarterly period within the most recent 2 years and the dividends paid on such securities during such 2 years and a statement of the issuer's dividend policy with respect to such securities.

NOTE: The information required by paragraphs (b)(4) through (8) of this section may be presented in any form deemed suitable by management, including an appendix or other separate section of its annual report, provided that the attention of security holders is called to such presentation in an appropriate manner.

(9) Subject to the foregoing requirements, the annual report to security holders may be in any form deemed suitable by the management; provided that the management's proxy statement contains an undertaking in bold face type to provide to each person solicited, on the written request of any such person, a copy of the issuer's annual report filed or to be filed with the Commission pursuant to Rule 13a–1 under the Act for the issuer's last fiscal year.

(10) Paragraph (b)(4) through (9) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraph (b)(1) through (3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

(11) * * *

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

* * * * *

(d) If the issuer knows that securities of any class entitled to vote at a meeting in respect of which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners. The issuer shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

* * * * *

(a) If the information statement relates to an annual meeting of security holders at which directors are to be elected, it shall be accompanied or preceded by an annual report to security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements, other than the notes thereto, shall be in roman type at least as large and as legible as 10-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, aplicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided,* That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last 2 fiscal years required by paragraph (a)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impractical or would involve undue effort or expense.

(4) The report shall contain a summary of operations in substantially the form required by Item 2 of Form 10–K under the Act.

NOTE: Registrants also should consider any applicable guidelines for the preparation and filing of registration statements and reports under the Act issued by the Commission which relate to Item 2 of Form 10–K.

(5) The report shall include such textual information as will, in the opinion of management, indicate the nature and scope of the liquidity and working capital requirements of the issuer. Matters that should be considered include peak seasonal demands for working capital, availability and cost of credit, policies associated with the extension of credit to customers, purchase commitments related to inventories, policies followed as to the magnitude of inventory to be maintained, and future financing requirements and plans.

NOTE: No chart, schedule, "financial highlights" section, graph, figure, or similar material of a financial nature contained anywhere in the report shall present the results of operations or other material financial information for two or more periods, in a light either more or less favorable than the financial statements included in the report.

(6) The report shall also contain such information as to the business done by

the issuer and its subsidiaries during the fiscal year as will, in the opinion of the management, indicate the general nature and scope of the business of the issuer and its subsidiaries. In addition the report shall contain the same information required by Item 1(c)(1), "Information as to lines of business" and Item 1(c)(2) "Information as to classes of similar products and services" of Form 10–K.

(7) The report shall contain, at a minium, the name, principal occupation or employment and the name and principal business of any organization in which such employment is carried on, for each director and each of the executive officers of the corporation.

NOTE: The term executive officer is defined in Item 8 of Form 10–K.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotations) for each quarterly period within the most recent 2 years and the dividends paid on such securities during such two years and a statement of the issuer's dividend policy with respect to such securities.

NOTE: The information required by paragraph (a)(4) through (8) of this section may be presented in any form deemed suitable by management, including an appendix or other separate section of its annual report, provided that the attention of security holders is called to such presentation in an appropriate manner.

(9) Subject to the foregoing requirements, the annual report to security holders may be in any form deemed suitable by the management; provided that the information statement contains an undertaking in bold face type to provide to each person furnished a copy of such statement, on the written request of any such person, a copy of the issuer's annual report for the last fiscal year filed or to be filed with the Commission pursuant to Rule 13a–1 under the Act.

NOTE: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(10) Paragraphs (b)(4) through (b)(9) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraphs (b)(1) through (3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

The Commission makes the foregoing proposals pursuant to sections 14(a) and (c) and section 23(a) of the Securities Exchange Act of 1934.

All interested persons are invited to submit their views and comments on these proposals in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before March 15, 1974. All such communications should refer to File No. S7–504, and will be available for public inspection.

(Sections 14(a), 23(a), 48 Stat. 895, 901; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570 (15 U.S.C. 78n(a), 78n(c), 78w(a)))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JANUARY 10, 1974.

[FR Doc.74–2382 Filed 1–29–74;8:45 am]

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.

[Public Notice CM-103]

DEPARTMENT OF STATE

SHIPPING COORDINATING COMMITTEE

Notice of Meeting

A meeting of the Shipping Coordinating Committee will be held at 10 a.m. on Tuesday, February 26, 1974 in Room 7200, Coast Guard Headquarters, 400 7th Street, SW., Washington, D.C., to discuss the United States positions for the first meeting of the IMCO Marine Environment Protection Committee (March 4–8, 1974, London). The meeting is open to the public.

For further information on the subject matter of the meeting, contact Mr. Richard K. Bank, Executive Secretary, Shipping Coordinating Committee, Department of State, Washington, D.C., 20520, telephone (area code 202) 632-0704.

Dated: January 21, 1974.

RICHARD K. BANK,
Executive Secretary,
Shipping Coordinating Committee.

[FR Doc.74-2365 Filed 1-29-74;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 8]

HARLEYSVILLE MUTUAL INSURANCE COMPANY

Surety Company Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $3,449,000.00 has been established for the company.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

HARLEYSVILLE MUTUAL INSURANCE COMPANY
HARLEYSVILLE, PENNSYLVANIA
PENNSYLVANIA

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

Dated: January 25, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-2450 Filed 1-29-74;8:45 am]

DEPARTMENT OF DEFENSE

CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

USE OF OFF-ROAD VEHICLES ON PUBLIC LANDS

Summary of Guidelines

JANUARY 18, 1974.

Set forth below is a summary of the regulation furnishing guidance to Division and District Engineers of the U.S. Army Corps of Engineers for implementing Executive Order 11644, Use of Off-Road Vehicles on the Public Lands.

For the Chief of Engineers.

J. W. MORRIS,
Major General, USA,
Director of Civil Works.

PROJECT OPERATION

USE OF OFF-ROAD VEHICLES ON CIVIL WORKS PROJECTS

1. *Purpose.* The purpose of this regulation is to provide uniform policies, procedures and criteria for the designation of Civil Works lands where use of off-road vehicles (ORV) will and will not be permitted and appropriate operating conditions for such vehicles.

2. *Applicability.* This regulation will be applied by all OCE elements and all field operating agencies with Civil Works responsibilities.

3. *Policy.*

a. It is the policy of the Secretary of the Army, acting through the Chief of Engineers, to provide the public with safe and healthful recreational opportunities within all water resource development projects administered by the Chief of Engineers.

b. The implementation of this policy requires the utilization of sound and comprehensive management practices and plans for all resources on project lands and waters including protection and enhancement of environmental quality, conservation of renewable and non-renewable resources, prevention of loss or damage to resources, protection from accidental injury, and opportunities for outdoor recreation.

c. All lands and waters of water resource development projects administered by the Chief of Engineers will be closed to off-road vehicle use, except those areas and trails specifically designated for such use by the District Engineer, in accordance with this regulation.

d. The environmental impacts of such designation for off-road vehicle use will be assessed and when such use is expected to create significant environmental impacts, an environmental statement will be prepared.

e. The implementation of this policy requires that the public be fully involved in the planning process of designating areas of use and special operating conditions for the provision of off-road vehicle use on project lands.

4. *Definitions.* For the purpose of this regulation, the following terms respectively, shall mean:

a. *Off-Road Vehicle.* Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (1) any registered motorboat, (2) any military, fire, ambulance or law enforcement vehicle when used for emergency purposes and (3) any vehicle whose use is authorized by the Chief of Engineers, or his properly designated representative, under a permit, lease, license or contract.

b. *Official Use.* Use by an employee, agency or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.

c. *Project Lands.* Lands and waters administered by the Chief of Engineers in connection with a Federal water resource development project.

5. *Administration for Off-Road Vehicle Use.* District Engineers shall:

a. Establish appropriate procedures for evaluating, assessing and designating areas and trails where off-road use will and will not be permitted on project lands under their respective jurisdiction. Such designation will be made utilizing, but not limited to, the guidelines and criteria contained in paragraph 6 below and will be completed by July 1975.

b. Incorporate areas or trails which are designated for off-road use into the project master plans. Supplements to the Master Plan will be prepared when final designations are made and promptly submitted for approval.

c. Insure that adequate opportunity for participation by the general public, user groups, and conservation organizations is afforded in the process of selection and designation of the specific areas and trails and the uses to be permitted on those areas and trails (see para. 8).

d. Where appropriate, establish additional regulations, consistent with Chapter III, Title 36, CFR, to those contained in paragraph 7, prescribing operating conditions for off-road vehicles as they may be required for specific projects.

e. Insure adequate notification to potential users, including distribution of information maps, indicating areas and trails where off-road vehicular use is and is not permitted. Appropriate signs designating areas and operating conditions of vehicle use will be posted at areas and trials designating such use. Areas where off-road vehicle use is permitted and prohibited will be displayed on maps available at the project office and the District Engineer's office.

f. Provide proper administration, enforcement, and policing of trails and areas to insure that conditions of use are met on a continuing basis.

g. Establish appropriate procedures to monitor the effects of the use of off-road vehicles. This monitoring may be the basis for changes to this regulation or the project master plan to insure adequate control of off-road vehicle use and amendment of area and trail designations to protect the environment, insure the public safety, and minimize conflicts among users.

h. Insure that out-granted lands are not included in such designation for off-road vehicle use unless concurrence is obtained from the agency or lessee operating the outgranted lands.

i. Insure that project lands are adequately identified and marked where off-road vehicle areas are designated.

6. *Guidelines and Criteria for Evaluating Projects Lands for Off-Road Vehicle Use.* Project resources, while composed of a variety of physical conditions, may contain areas which would allow use of certain areas and trails by off-road vehicles. Borrow areas and unused contractor work areas are examples where compatible off-road vehicle use could be designated and allowed.

a. *Designation.* Project lands which are found to satisfy the requirements for off-road vehicle use will be zoned for areas and trails in accordance with paragraph 6b below.

(1) *Areas.* The very nature of off-road vehicles dictates that the majority of use will occur over areas which have not been developed for specific vehicular use. Off-road vehicles are manufactured, advertised, sold and purchased within the concept that the purpose and sport of operating these vehicles lies in operation over rugged, undeveloped terrain. To invite users of off-road vehicles to areas which are designated for that purpose, the designated areas must contain topography suitable to the vehicles that will be used and have ready access by the public.

(2) *Trails.* Where it is practicable to designate existing or proposed trails for use by off-road vehicles without conflict with other public uses or without loss of natural characteristics of the areas resulting in environmental despoilment, degrading local safety or accident prevention programs, such designation should be accomplished.

(3) *Types of Use.* Off-road vehicles are of many types resulting in different design, space and terrain characteristics for areas of use. Provision should be made in the designation of areas and trails to accommodate as many types as feasible and still be practical, consistent with environmental, resource, and safety considerations. These would include, for instance, mini-bike, beginners, motor-cross, cross country, snowmobile, 4 Wheel Drive (4WD), etc. areas and trails. As these uses may not be compatible within the same area or on the same trail, care must be exercised to insure adequate separation to increase public and user safety and compatibility.

b. *Criteria.* The following criteria will be used in evaluating project lands for possible off-road vehicle use designation.

(1) Areas which are not restricted for security, safety or accident prevention purposes.

(2) Areas which do not contain soil conditions, flora or fauna or other natural characteristics of a fragile or unique nature, or areas scheduled for reforestation plantings which would be subject to excessive damage by use of off-road vehicles.

(3) Areas which are not managed for wildlife habitat purposes, and areas managed for wildlife habitat if approved by the fish and game agency.

(4) Areas which do not contain archeological, historical, or paleontological resources; or which do not constitute de facto wilderness or scenic areas; or in which noise would not adversely affect other users or wildlife resources.

(5) Areas and trails shall be located to minimize damage to soil, watershed, vegetation or other resources of the public lands.

(6) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public and private lands, and to insure the compatibility of such uses with existing conditions in populated areas, taking into account noise, safety, accident prevention and other factors.

7. *Operating Conditions.* a. Off-road vehicles shall not be operated:

(1) In a reckless, careless or negligent manner;

(2) In excess of prudent and safe speed limits; and

(3) In a manner likely to cause excessive damage or disturbance of the land, wildlife, or vegetative resources.

b. All off-road vehicles will conform to applicable State laws and registration requirements established for such vehicles and those powered by internal combustion engines shall be equipped with operating brakes and a properly installed muffler in working condition certified as not exceeding 90 decibels at a distance of 50 feet.

c. Where appropriate and necessary, internal combustion engine off-road vehicles operating off established roads and parking areas, shall be equipped with a properly installed spark arrester that meets and is qualified to either the U.S. Department of Agriculture—Forest Service Standard 5100–1a or the 80 percent efficiency level when determined by the appropriate Society of Automotive Engineers (SAE), Recommended Practices J 335 or J 350. The U.S. Department of Agriculture—Forest Service performs these spark arrester qualification tests under cooperative agreements wherein the spark arrester manufacturer agrees to pay an established fee commensurate with the actual cost of testing. Such areas, designating spark arrester use will be appropriately signed and marked on maps available in the Project and District offices.

d. Adequate information will be provided to off-road vehicle operators and passengers on the advisability of using safety helmets conforming to standards established by the American National Standards Institute, as contained in their standard, Number Z90.1 (1971). If state or local laws require the use of safety helmets for off-road use this fact will be noted in the project operating conditions.

e. District Engineers may establish additional operating conditions or rules consistent with Chapter III, Title 36, CFR, specifically for each project, which could include items such as, opening and closing dates of areas and trails, daily opening and closing times, and areas which may have unique conditions or hazards. Permits may be issued for special events which exempt certain equipment requirements when required by American Motorcycle Association for sanctioned events.

8. *Public Involvement.* The key to successful implementation of off-road vehicle use of Project lands involves the opportunity for full participation by the general public, off-road vehicle user groups, conservation organizations, and other interested public in the selection, designation, and uses of Project lands for off-road vehicle use. Accordingly, District Engineers will establish procedures to:

a. Identify such individuals and groups and solicit their participation and views in the process.

b. Hold appropriate public meeting or workshops; one at the initiation of consideration of off-road vehicle use for a project and a second, prior to formal designation of areas and trails and operating conditions. When necessary, additional public meetings or workshops may be held to obtain public reaction to various proposals under consideration. Under no circumstances will area and trail designation be made or operating conditions established without such public participation.

9. *Enforcement.* Action regarding persons who abuse the privilege of using designated areas and trails and operating conditions prescribed for the project under these regulations will be taken under the citation authority program and in accordance with Title 36, CFR Part 327. Because of concurrent jurisdiction on project lands, cooperative agreements with State or local governments for the enforcements of laws and regulations relating to off-road vehicle use will be entered into where appropriate.

10. *Environmental Considerations.* Prior to designation of areas or trails for use by off-road vehicles, District Engineers will insure that full and careful assessment and consideration is given to the possible impacts and effects on the environment of the area. Where this assessment indicates significant environmental impacts will be associated with off-road vehicle use, an environmental statement will be prepared and processed. Such assessment shall not be limited to the proposed designated areas or trails, but shall also encompass adjacent areas which may be affected.

a. *Air.* Air quality which could be affected by dust from the use of off-road vehicles and internal combustion engines will be considered.

b. *Water.* Siltation and water quality of streams or other bodies of water due to soil erosion created by off-road vehicles will be considered.

c. *Soils.* Soil erodability and compaction as well as desirability for proposed use by off-road vehicles will be considered.

d. *Vegetation.* The protection of native and other desirable species of vegetation will be considered.

e. *Fish and Wildlife.* Protection of breeding grounds, drumming grounds, winter feeding and yarding grounds, migration routes and nesting areas is essential. Spawning, migration and feeding habits of fish and other aquatic organisms will be considered where off-road vehicles will be used in streams or other bodies of water. Particular attention will be given to off-road vehicle use which could have adverse effects on rare or endangered species of animals and unique plant communities in the immediate area or in adjacent areas. Site selection for ORV use will strive to minimize adverse impacts of fish and wildlife resources.

f. *Noise, Safety and Accident Prevention.* Excessive noise as it affects humans and wildlife as well as accidental injury, damage or loss to project resources will be considered.

g. *Aesthetics.* Potential despoilment of visual characteristics will be considered.

[FR Doc.74–2436 Filed 1–29–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Snake River Birds of Prey Natural Area Notice of Closure Order on Use of Motorized Off-Road Vehicles

Notice is hereby given that the national resource lands (public lands) within the Snake River Birds of Prey Natural Area in Idaho are closed to all forms of motorized vehicle use off of designated roads. Major roads will be open for motorized use. Minor roads and trails will be closed. This is in accordance with the provisions of 43 CFR Parts

6251.1 and 6251.4. The closure order does not apply to privately-owned or State of Idaho-owned lands within the boundaries of the Snake River Birds of Prey Natural Area.

The Snake River Birds of Prey Natural Area as established by the Public Land Order 5133, dated October 12, 1971, is a sanctuary for raptorial birds. Closure is effective immediately; for each year, 12 months inclusive.

Restrictions on the use of motorized vehicles on the national resource lands within this area are consistent with the planning for the future management of this part of the Kuna Planning Unit. The objective of the restriction of the use of motorized off-road vehicles is to prevent the disturbance of the activities of the golden eagle, the prairie falcon and other raptorial species inhabiting the area.

The Snake River Birds of Prey Natural Area embraces a 33-mile reach of the Snake River in Idaho, commencing about 5 miles downstream from Grand View and terminating 5 miles upstream from Walter's Ferry, and includes the canyon, the canyon walls and the contiguous lands up to as much as 2½ miles on each side of the Snake River. The boundaries of the area are posted and maps of the area can be seen at the Boise District Office of the Bureau of Land Management located at 230 Collins Road, Boise, Idaho.

ROBERT C. KRUMM,
District Manager,
Boise District.

Approved:

WILLIAM L. MATHEWS,
State Director.

[FR Doc.74-2443 Filed 1-29-74;8:45 am]

RICHFIELD DISTRICT ADVISORY BOARD

Notice of Protest Meeting

JANUARY 23, 1974.

The Richfield District Advisory Board will meet on February 21, 1974, at 9:30 a.m., in the Richfield District BLM Office, 850 North Main Street, Richfield, Utah. The agenda of the meeting will include hearing protests to Advisory Board Adverse Recommendations concerning grazing applications and exchange-of-use applications for the 1974–75 grazing season; allotment boundary adjustments; and an open discussion period.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Written statements may be filed with the Board before or after the meeting. Those wishing to make an oral statement should inform the Advisory Board Chairman, Elwood Morrell, Bicknell, Utah 84715, prior to the meeting. Written statements should be submitted to Mr. Morrell c/o Richfield District Bureau of Land Management, 850 North Main Street, Richfield, Utah 84701.

Minutes of the protest meeting will be available for public inspection at the District Office, address above, thirty days after the meeting.

FEARL M. PARKER,
District Manager.

[FR Doc.74-2444 Filed 1-29-74;8:45 am]

Office of the Secretary

[INT DES 74-4]

OUTER CONTINENTAL SHELF MINERAL LEASING

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, (43 U.S.C. 4321–4347), the Department of the Interior has prepared a draft environmental statement relating to the publication of proposed amendments to the Outer Continental Shelf (OCS) Leasing and Operating Regulations in order to permit the exploration for and development of hard minerals on the OCS lands of the United States. The present Code of Federal Regulations (CFR) provides leasing and operating regulations only with regard to oil and gas, sulphur and salt.

Single copies of the draft environmental statement may be obtained from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240 or from the OCS offices in New Orleans, Los Angeles, New York or Anchorage, Alaska. The addresses of these offices are:

Gulf of Mexico Outer Continental Shelf Office
Mr. John L. Rankin, Manager
Bureau of Land Management
Suite 3200
The Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

Pacific Outer Continental Shelf Office
Mr. William Grant, Manager
Bureau of Land Management
7663 Federal Building
300 North Los Angeles Street
Los Angeles, California 90012

Alaska Outer Continental Shelf Office
Mr. Edward J. Hoffman, Manager
Bureau of Land Management
P.O. Box 1159
Anchorage, Alaska 99510

Atlantic Outer Continental Shelf Office
Mr. Frank Basile, Environmental Assessment Team Leader
Bureau of Land Management
90 Church Street
Room 1305
New York, New York 10007

Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

The Department will accept written comments on the statement until March 15, 1974. These should be addressed to the Director, Bureau of Land Management (732) Washington, D.C. 20240. After the comments have been reviewed and analyzed, a final environmental statement will be prepared and a final decision made.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved:

WILLIAM A. VOGELY,
Acting Deputy Assistance Secretary of the Interior.

[FR Doc.74-2415 Filed 1-29-74;8:45 am]

[Order No. 2508, Amdt. 102]

COMMISSIONER OF INDIAN AFFAIRS

Delegation of Authority Regarding Tribal Direction of Bureau Employees

Order 2508, as amended, is further amended by the addition of a new section to read as follows:

SEC. 3 *Tribal direction of Bureau employees.* The Commissioner may exercise the authority of the Secretary contained in 25 U.S.C. 48 concerning permitting Indian tribes to direct Bureau employees when, in the Commissioner's opinion, the tribe is competent to do so.

This authority will not be redelegated.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

JANUARY 22, 1974.

[FR Doc.74-2366 Filed 1-29-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1973 CCC Loan Programs

Unless demand is made earlier by CCC, warehouse-storage loans under 1973 loan programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided,* That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron pastage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The

settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amount specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

	Maturity date	Final date of repayment
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1974	May 31, 1974
In all other States	Apr. 30, 1974	Apr. 30, 1974
Corn	July 31, 1974	July 31, 1974
Dry edible beans: In all States	Apr. 30, 1974	Apr. 30, 1974
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31, 1974	May 31, 1974
In all other States	Apr. 30, 1974	Apr. 30, 1974
Grain sorghum:		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Hinney, Lavaca, Medina Uvalde, Val Verde, and Waller	....do.....	Do.
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above	June 30, 1974	July 1, 1974
In all States except Texas and Oklahoma	July 31, 1974	July 31, 1974
Honey: In all States	June 30, 1974	July 1, 1974
Oats:		
In Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1974	May 31, 1974
In all other States	Apr. 30, 1974	Apr. 30, 1974
Rice: In all States	....do.....	Do.
Rye: In all States	....do.....	Do.
Soybeans: In all States	June 30, 1974	July 1, 1974
Tung Oil: In all States	Oct. 31, 1974	Oct. 31, 1974

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended (15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425))

Effective on January 30, 1974.

Signed at Washington, D.C., on January 22, 1974.

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

[FR Doc.74-2289 Filed 1-29-74;8:45 am]

Forest Service

MULTIPLE USE PLAN—MURR-BALDY PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for implementation of a revised Multiple Use Plan for the Murr-Baldy Planning Unit, Lolo National Forest, Sanders and Flathead Counties, State of Montana; Forest Service report number USDA-FS-DES (Adm) RI-74-5.

The environmental statement concerns a proposed Multiple Use Plan intended to provide the District Ranger with general management guidance for the Murr-Baldly Planning Unit. The planning unit is subdivided into 12 management units having similar resource potentials and problems.

This draft environmental statement was filed with CEQ on January 22, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Lolo National Forest
Building 24, Fort Missoula
Missoula, MT 59801

A limited number of single copies are available upon request to Forest Supervisor Jackson D. Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Jackson D. Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801. Comments must be received by March 22, 1974, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

JANUARY 22, 1974.

[FR Doc.74-2433 Filed 1-29-74;8:45 am]

Soil Conservation Service

ASSUNPINK CREEK WATERSHED PROJECT, NEW JERSEY

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Assunpink Creek Watershed Project, Mercer and Monmouth Counties, New Jersey, USDA-SCS-ES-WS-(ADM)-74-21(D).

The environmental impact statement concerns a plan for watershed protection, flood prevention, recreation, and fish and wildlife habitat improvement. The planned works of improvement include conservation land treatment, four single-purpose and one multiple-purpose structure, 2.4 miles of channel work, and basic recreational facilities.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250

Soil Conservation Service, USDA, 1370 Hamilton Street, P.O. Box 219, Somerset, New Jersey 08873

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please use name and number of statement above when ordering. The estimated cost is $8.25.

Copies of the draft environmental impact statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Chester F. Bellard, State Conservationist, Soil Conservation Service, P.O. Box 219, 1370 Hamilton Street, Somerset, New Jersey 08873.

Comments must be received on or before March 8, 1974 in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: January 21, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-2434 Filed 1-29-74;8:45 am]

Office of the Secretary

GENERAL CONFERENCE COMMITTEE OF THE NATIONAL POULTRY IMPROVEMENT PLAN

Reestablishment

Notice is hereby given that the Secretary of Agriculture has reestablished the General Conference Committee of the

National Poultry Improvement Plan. This Committee represents cooperating state agencies and participating industry members in advising the Department of Agriculture with respect to the interpretation of and changes in the National Poultry Improvement Plan which is administered under the authority of the Department of Agriculture Organic Act of 1944, as amended (7USC429).

The Chairman of this committee is Dr. Raymond D. Schar, Agricultural Research Service, U.S. Department of Agriculture, BARC East, Beltsville, Maryland 20705.

This notice is given in compliance with Public Law 92–463.

Done at Washington, D.C., this 25th day of January 1974.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.74–2486 Filed 1–29–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

NOTICE OF MEETING

The Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of February 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Immunization Practices Advisory Committee.	February 12–13, 8:30 a.m., Room 207, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333.	Open—Contact Dr. H. Bruce Dull, Room 224, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333. Code 404–633–3296.

Purpose: The committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The committee will consider the status of selected immunizable diseases and continue its annual review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: January 22, 1974.

DAVID J. SENCER,
Director,
Center for Disease Control.

[FR Doc.74–2440 Filed 1–29–74;8:45 am]

Food and Drug Administration

[NADA No. 38–385V]

LAND O' LAKES, INC.

Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the following notice is issued:

Land O' Lakes, Inc., Fort Dodge, IA 50501, has requested that its NADA No. 38–385V be withdrawn in accordance with § 135.28(d) (21 CFR 135.28(d)) since the preparations subject to this application are not being marketed. Notice is given that approval of NADA (new animal drug application) No. 38–385V, which covers the following preparations containing aklomide and sulfanitran, is hereby withdrawn:

1. Land O' Lakes Broiler Formula "Seven-13" 196, Medicated.
2. Land O' Lakes Broiler Formula "200" 194, Medicated.
3. Land O' Lakes Broiler Formula "Two-Three" Concentrate 188, Medicated.
4. Land O' Lakes Chick Formula "Two-Three" Concentrate 023, Medicated.
5. Land O' Lakes Pullet Formula "One-One" 019, Medicated.

Effective date. This notice shall be effective on January 30, 1974.

Dated: January 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–2411 Filed 1–29–74;8:45 am]

Health Resources Administration

LONG-TERM CARE FOR THE ELDERLY—RESEARCH REVIEW AND ADVISORY COMMITTEE

Notice of Meeting; Correction

In FR Doc. 73–27072 appearing at page 35345 in the issue for Thursday, December 27, 1973, the meeting notice for the Long-Term Care for the Elderly—Research Review and Advisory Committee should be changed to reflect the following:

Committee name	Date, time, place	Type of meeting and/or contact person
Long Term Care for the Elderly—Research Review and Advisory Committee.	January 30 to February 1, 1974, 9 a.m., Conference room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Closed—9 a.m. to 2 p.m. on January 30, Open—Remainder of meeting. Contact Elliott Lesser, Ph. D., room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301–443–2590, or Martha O. Greenspan, room 11A–33, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301–443–3346.

Purpose: The Committee is charged with the review of research grant applications for Federal assistance in the program areas Administered by the Bureau of Health Services Research relating to research on long-term care, including research approaches for studying and improving the delivery of care in nursing homes and other long-term care facilities and for identifying alternatives to institutional care.

Agenda: During the closed sessions, the Committee will be performing a review of grant applications for Federal assistance and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, Section 10(d).

During the open session the Committee will consult with Federal employees concerned with issues relating to training and continuing education and research and development. An overview of the Office of Nursing Home Affairs and regulations relating to skilled nursing facilities will be presented.

Agenda items are subject to change as priorities dictate.

A portion of the meeting is open to the public for observation and participation. Anyone wishing to participate should contact the above individuals.

Dated: January 21, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.74–2592 Filed 1–29–74;8:45 am]

Health Services Administration

VARIOUS NATIONAL ADVISORY BODIES

Notice of Meetings

The Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of February 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Maternal and Child Health Service, Research Grants, Review Committee.	February 14–15, 9:00 a.m., Parklawn Bldg., Conference Room K, 5600 Fishers Lane, Rockville, Md.	Open—February 14, 9 a.m.–10 a.m., Closed—remainder of meeting. Contact Gloria Wackernah, Parklawn Bldg., Room 12A–11, 5600 Fishers Lane, Rockville, Md. Code 301–443–2190.

Purpose: The Committee is charged with the review of all research grant applications in the program areas of maternal and child health administered by the Bureau of Community Health Services.

Agenda: This meeting will be open to the public from 9 a.m. to 10 a.m. on February 14 for the opening remarks and administrative discussions. It will be closed for the remainder of the meeting to review applications for Federal assistance in accordance with the determination by the Administrator, Health Services Administration, pursuant to Public Law 92–463, Section 10(d).

* * * * *

Committee name	Date, time, place	Type of meeting and/or contact person
National Migrant Health Advisory Committee.	February 27 to March 1, 9:00 a.m., Parklawn Bldg., Conference Room F, 5600 Fishers Lane, Rockville, Md.	Open—Contact Billy Sandlin, Parklawn Bldg., Room 7-22, 5600 Fishers Lane, Rockville, Md. Code 301-443-1153.

Purpose: The Committee is charged with advising the Administrator on National policies and priorities; program guidelines, standards, and evaluation techniques; and other crucial issues relating to the migrant health program.

Agenda: The Committee will consider continuity of care and review new legislative proposals.

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate should contact the above individual.

Dated: January 24, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.74-2414 Filed 1-29-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-74-215; Administrative Division Docket No. 73-113]

WALDEN RIDGE UNIT I, ET AL.

Notice of Hearing

Notice is hereby given that:

1. Hasty-Greene Investments, Inc., Angus S. Hastings, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1701 et seq.), received a Notice of Proceedings and Opportunity for Hearing dated December 10, 1973, which was sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the Developer's Statement of Record for Walden Ridge Unit I, located in Tennessee, and the failure of the Developer to amend the pertinent sections of the Statement of Record and Property Report.

2. The Respondent filed an answer December 28, 1973, in answer to the allegations of the Notice of Proceedings and Opportunity for a Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for a Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Administrative Law Judge George W. Blaine, in Room 7155, Department of HUD Building, 451 7th Street, SW., Washington, D.C. on January 30, 1974 at 2 p.m.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an ORDER Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: January 24, 1974.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-2407 Filed 1-29-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-332]

ALLIED-GULF NUCLEAR SERVICES, ET AL.

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 to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, Fuels and Materials, related to the continuation, modification or termination of Construction Permit CPCSF-4 and the subsequent possible operation of the Barnwell Nuclear Fuel Plant by Allied-Gulf Nuclear Services, et al., in Barnwell County, South Carolina, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Barnwell County Courthouse, Office of the County Commissioner, Barnwell, South Carolina. The Final Environmental Statement is also being made available at the State Clearinghouse, Office of the Governor, Division of Administration, Wade Hampton Office Building, Columbia, South Carolina 29201, and the Regional Clearinghouse, Lower Savannah Regional Planning and Development Commission, P.O. Box 850, Aiken, South Carolina 29801.

The notice of availability of the Draft Environmental Statement for the Barnwell Nuclear Fuel Plant, and requests for comments from interested persons, was published in the FEDERAL REGISTER on January 3, 1973 (38 FR 71). The comments received from Federal agencies, State and local officials, 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 Fuels and Materials, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 22d day of January, 1974.

For the Atomic Energy Commission.

R. B. CHITWOOD,
Chief Technical Support Branch, Directorate of Licensing.

[FR Doc.74-2209 Filed 1-29-74;8:45 am]

[Docket Nos. 50-275-OL, 50-323-OL]

PACIFIC GAS AND ELECTRIC CO.

Notice of Hearing on Issuance of Facility Operating Licenses

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities" and Part 2, "Rules of Practice", notice is hereby given that, subject to conditions set forth in the Memoranda and Orders of December 14, 1973 and January 25, 1974, a hearing will be held concerning the Diablo Canyon Nuclear Power Plant, Units 1 and 2 (the facility) of the Applicant, the Pacific Gas and Electric Company. The hearing to consider the issuance of the operating licenses for the facility will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Board) named herein, to begin in the vicinity of the facility located in San Luis Obispo County, California. Construction of the facility was authorized by Construction Permits Nos. CPPR-39 and CPPR-69, issued by the Commission on April 23, 1968 and December 9, 1970, respectively. The instant facility is subject to the provisions of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities.

The Board, designated by the Chairman of the Atomic Safety and Licensing Board Panel will consist of Elizabeth S. Bowers, Esq., Chairman, Mr. Glenn O. Bright and Dr. William E. Martin.

A "Notice of Receipt of Application for Facility Operating Licenses; Notice of Consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing" was published in the FEDERAL REGISTER on October 19, 1973 (38 FR 29105). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." Petitions for leave to intervene were thereafter filed by various petitioners, including (1) the State of California; (2) Scenic Shoreline Preservation Conference, Inc; (3) Elizabeth E. Apfelberg and Sandra A. Silver and (4) John J. Forster and Lonnie Valentine. As set out in the Memoranda and

Orders referred to above, a public hearing will be held and the above named petitioners will be admitted as parties to the proceeding.

A prehearing conference or conferences will be held by the Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice." The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Board.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated September 28, 1973, which was received on October 2, 1973, and the Applicant's Environmental Report dated August 9, 1971, as supplemented, which is incorporated in the Final Safety Analysis Report by reference. Both documents are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, California 93401. A copy of the Commission's Final Environmental Statement related to the Diablo Canyon Nuclear Power Plant, Units 1 and 2, dated May 1973, is available at the above locations. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation Report prepared by the Directorate of Licensing; (2) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (3) the proposed facility operating licenses; and (4) the technical specifications, which will be attached to the proposed facility operating licenses. Copies of items (1), (2), (3) and (4), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be determined by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, not later than thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice", may be filed by the parties to this proceeding not later than February 19, 1974.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C.

Pending further order of the Hearing Board designated for this proceeding, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and twenty (20) conformed copies of each such paper with the Commission.

Dated at Washington, D.C., this 25th day of January 1974.

It is so ordered.

The Atomic Safety and Licensing Board, designated to rule on petitions for leave to intervene.

JAMES R. YORE,
Chairman.

[FR Doc.74-2416 Filed 1-29-74;8:45 am]

[Docket Nos. 50-445A, 50-446A]

TEXAS UTILITIES GENERATING CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated January 17, 1974, a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by March 1, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, N.W., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

JEROME D. SALTZMAN,
Acting Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

Re: Texas Utilities Generating Company, et al., Comanche Peak Steam Electrical Station, Units 1 and 2, AEC Docket Nos. 50-445 and 50-446, Department of Justice File 60-415-74.

JANUARY 17, 1974.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended by Pub. L. 91-560, in regard to the above-captioned application.

Applicant Texas Utilities Generating Company (TUG), for itself and as agent for Dallas Power & Light Company (DPL), Texas Electric Service Company (TES), and Texas Power & Light Company (TPL), has applied for a construction permit for its Comanche Peak Steam Electric Station, Units 1 and 2. The facility will be located in Somervell and Hood Counties, Texas. Operation of unit #1 has been scheduled for January 1980, with unit #2 to follow in January 1982. Each nuclear unit will include a 1,150 megawatt electric generating unit.

APPLICANT

TUG is a subsidiary of Texas Utilities Company (TU). TUG will operate the Comanche Peak facilities as agent for the joint owners, DPL, TES and TPL. The three joint owners are the operating electric utility subsidiaries of TU. Together with TU's subsidiaries, Texas Utilities Services Inc. and Texas Utilities Fuel Company, which provide specialized services for the operating companies, these companies comprise the Texas Utilities Company System (TUCS).

The transmission lines of the TUCS are interconnected and constitute an integrated system through which the output of the generating stations is distributed. This output provides retail electric service to 323 cities and towns, and wholesale electric service to three municipal electric systems and 33 rural electric co-operatives. The TUCS service area covers approximately 75,000 square miles in the north central, eastern, and western parts of Texas with an estimated population of 3.7 million. This represents about one-third of the total area and population within the State of Texas.

For the 1972 fiscal year TUCS had total energy sales of 37,361,387 megawatt-hours. TUCS had at the end of 1972 net generating capacity of 10,929 megawatts of which its own installed capacity amounted to 10,767 megawatts. The TUCS peak load in 1972 was 8,285 megawatts. TUCS is the largest utility system operating in the State of Texas.

INTERCONNECTION AND COORDINATION WITH OTHERS

DPL, TES and TPL are members of the Texas Interconnected System (TIS). TIS is a group of nine interconnected electric systems that operate throughout the State of Texas. TIS is comprised of six investor-owned and three publicly owned electric systems. The members of TIS have an oral understanding with regard to the minimum installed reserves and spinning reserves that each member will maintain. The members of TIS also conduct various studies relating to the need for, and effects of, any future transmission and generation changes planned by the members. Thus, membership in TIS allows each member system to obtain various benefits from such coordination that are not available to non-members.

The members of TIS have in operation, under construction or in planning a number of 345 KV transmission lines which will form various loops among the member systems to substantially improve the system reliability of each member. These interconnections will also allow power interchanges to improve the operating economy of the members.

TUCS as well as the other members of TIS operate wholly within the State of Texas. TUCS is not subject to regulation by the Federal Power Commission. Neither is there any state regulatory body in Texas having jurisdiction over the rates of electric utilities.

In the past, membership in TIS has not been available to all of the electric utility systems in Texas, even where the non-member system was of sufficient size to make a contribution to the reliability of the bulk power supply of the members.

RESULTS OF ANTITRUST REVIEW

As noted above, TUCS is the dominant bulk power supplier in its service area and owns and controls a dominant portion of the transmission facilities in its service area. In the course of our antitrust review, certain allegations were received, the general import of which was that TUCS has misused its dominant position in generation and transmission to restrain the competitive opportunities of smaller systems in Texas. For its part, TUCS denied that its policies and practices have been or are inconsistent with the antitrust laws. However, in order to eliminate any questions as to the policies that it intends to follow during the period of the Comanche Peak license, TUCS indicated its willingness to formalize these policies and to have them included as conditions to the license. As a result of discussions with the Department, these policies have been articulated and are set out in the attachment to the letter of TUC's president to the Department, dated January 15, 1974, which is attached hereto.

In its commitments, TUCS affirms that it will make the following type of arrangements with other bulk power suppliers in its service area: Ownership participation in the Comanche Peak Nuclear Units; coordination and sharing of reserves; and transmission services over its facilities. In our opinion, these should provide competitors of Applicant with competitive, alternative bulk power supply sources and substantially eliminate the grounds on which complaints made to the Department by the smaller systems were based. On the strength of these policy commitments, and with the expectation that the Commission will include them as conditions to the license, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

TEXAS UTILITIES GENERATING CO.,
Dallas, Tex., January 15, 1974.

Re Comanche Peak Steam Electric Station, Nuclear Units No. 1 and 2, AEC Dockets 50-445A and 50-446A, Department of Justice File 60-415-74.

MR. THOMAS E. KAUPER,
Assistant Attorney General,
Antitrust Division,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. KAUPER: Attached to this letter are affirmations of corporate policy of Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company (joint owners of the above-named station) and of Texas Utilities Generating Company (applicant and authorized agent for the joint owners for all matters pertaining to the AEC licensing review). These affirmations are also applicable to Texas Utilities Company and any of its affiliates or subsidiaries, now or hereafter in existence. The definitions numbered 2, 3 and 4 in the attachment are also applicable to this letter, as is item 11 of the policy commitments therein relating to the companies' intrastate operating policy.

These affirmations are made with the understanding that the Department of Justice will recommend to the Atomic Energy Commission that no antitrust hearing will be required and, on that basis, each company agrees that these affirmations may be included as conditions to the AEC construction permits and operating licenses for the Comanche Peak Nuclear Units Nos. 1 and 2.

Each company continues to maintain that its policies and practices have been consistent with the antitrust laws but is willing to make these affirmations in order to eliminate any question as to the policies that it intends to follow during the period of the Comanche Peak license. The affirmations are subject to the following additional understandings.

1. None of the foregoing companies intends to become a common carrier by reason of these affirmations.

2. Nothing contained in the affirmations shall be construed as a waiver by any company of its rights to contest the applicability of the affirmations with respect to any factual situation.

3. All understandings and commitments are contained in this letter and the attached affirmations.

We also wish to take this opportunity to advise you, with respect to the agreement between Lower Colorado River Authority and Texas Power & Light Company of October 14, 1949, that Texas Power & Light Company has informed the Lower Colorado River Authority that it does not plan to exercise the right, as provided in Article II.B thereof, to reduce its commitment to take Primary Power in excess of actual loss of load nor the option, as provided in Article II.C thereof, to purchase additional Primary Power and energy.

It is the present intention of the companies, under conditions now existing and in accordance with applicable law (1) to allow ownership participation in other nuclear generating facilities which they may construct, own and operate in the State of Texas on conditions similar to those pertinent to the Comanche Peak project and (2) to continue their present practice of selling power for resale to any entity(ies) in the North Texas Area (as defined in the proviso clause of Definition No. 3 in the attachment hereto) engaging in or proposing in good faith to engage in retail distribution of electric power, whenever power to meet the needs of such entity(ies) is not available from alternate sources at competitive costs.

The undersigned has been authorized by the above-identified companies to act on their behalf and to submit the foregoing and the attached affirmations of policy.

Sincerely yours,

T. L. AUSTIN, Jr.,
President.

LICENSE CONDITIONS FOR COMANCHE PEAK STEAM ELECTRIC STATION NUCLEAR UNITS NOS. 1 AND 2

DEFINITIONS

1. "Company" means severally and jointly Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company, Texas Power & Light Company, Texas Utilities Company and each other subsidiary, affiliate or successor company engaged in the generation, transmission and/or the distribution of electric power in the State of Texas.

2. "North Texas Area" means the following Texas counties: Anderson, Andrews, Angelina, Archer, Bastrop, Baylor, Bell, Borden, Bosque, Brown, Burnet, Cherokee, Clay, Coke, Collin, Comanche, Cooke, Coryell, Crane, Culberson, Dallas, Dawson, Delta, Denton, Eastland, Ector, Ellis, Erath, Falls, Fannin, Fisher, Freestone, Gaines, Glasscock, Grayson, Henderson, Hill, Hood, Hopkins, Houston, Howard, Hunt, Jack, Johnson, Kaufman, Kent, Lamar, Lampasas, Leon, Limestone, Loving, Lynn, Martin, McLennan, Midland, Milam, Mitchell, Montague, Nacogdoches, Navarro, Nolan, Palo Pinto, Parker, Pecos, Rains, Reagan, Red River, Reeves, Rockwall, Rusk, Scurry, Schackelford, Smith, Somervell, Stephens, Sterling, Tarrant, Terry, Tom Green, Travis, Upton, Zan Zandt, Ward, Wichita, Wilbarger, Williamson, Winkler, Wise, Wood, and Young.

3. "Entity" means a person, a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or an association owning or operating or proposing in good faith to own or operate facilities for generation of electric power and energy: *Provided, however,* That as used in paragraphs 9 and 10, "entity" means a person, a private or public corporation, a governmental agency or authority, a municipality, a cooperative, or an association owning or operating or proposing in good faith to own or operate facilities for generation, transmission and/or distribution of electric power and energy.

4. "Entity in the North Texas Area" means an entity which owns or operates facilities for the generation, transmission and/or distribution of electric power in any area within the North Texas Area.

5. "Bulk Power" means the electric power and attendant energy supplied or made available at transmission or subtransmission voltage.

6. "Costs" means all appropriate operating and maintenance expenses and all ownership costs where applicable.

POLICY COMMITMENTS

1. The Company shall afford an opportunity to participate in the Comanche Peak nuclear units for the term of the instant license, or any extension or renewal thereof, to any entity(ies) in the North Texas Area making a timely request therefor, through a reasonable ownership interest in such unit(s) on reasonable terms and conditions and on a basis that will fully compensate it for its costs. It is understood that any request received prior to December 1, 1973, shall be deemed to be timely. In connection with such participation, the Company also will interconnect with and offer transmission service as may be required for delivery of such power to such entity(ies) at a point or points on the Company's system on a basis that will fully compensate it for its costs including a reasonable return on investment.

2. The Company will support requests by entities in the North Texas Area for membership in the Texas Interconnected System (TIS), including requests by any such entity having a smaller peak load than any of the present TIS members so long as such entity has sufficient greneration capacity to make a reasonable contribution to the reliability of bulk power supply. The Company will also support requests by qualified entities in the North Texas Area for membership in any other electric utility planning organization or power pool of which the Company is a member (other than one involving only the Company).

3. The Company will interconnect with and coordinate reserves through the sale and purchase of emergency and/or scheduled maintenance bulk power, with any entity(ies) in the North Texas Area on terms that will provide for the Company's costs, including a reasonable return on investment, in connection therewith and allow such entity(ies) full access to the benefits of such reserve coordination.

4. Emergency service and/or scheduled maintenance service to be provided by each party shall be furnished to the fullest extent available from the supplying party and desired by the party in need. The Company and each entity(ies) shall provide to the other emergency service and/or scheduled maintenance service if and when available to the extent they can do so without impairing service to their customers including other elec-

tric systems to whom they have firm commitments.

5. The Company and the other party(ies) to a reserve sharing arrangement shall from time to time jointly establish the minimum reserves to be installed and/or provided under contractual arrangements as necessary to maintain in total a reserve margin sufficient to provide adequate reliability of power supply to the interconnected systems of the parties in accordance with good industry practice as developed in the area. Unless otherwise agreed upon, minimum reserve requirements shall be calculated as a percentage of each party's estimated net peak load demand (taking into account firm sales and firm purchases). No party to the arrangement shall be required to maintain greater reserves than the percentage which results from the aforesaid calculation.

6. The parties to such a reserve sharing arrangement shall provide such amounts of spinning reserves as may be equitable and adequate to avoid the imposition of unreasonable demands on the other party(ies) in meeting the normal contingencies of operating its (their) system(s). However, in no circumstances shall such reserve requirement exceed the installed reserve requirement.

7. Interconnections will not be limited to low voltages when higher voltages are available from the Company's installed facilities in the area where interconnection is desired, when the proposed arrangement is found to be technically and economically feasible. Control and telemetering facilities shall be provided as required for safe and prudent operation of the interconnected systems.

8. Interconnection and coordination agreements shall not embody any restrictive provisions pertaining to intersystem coordination. Good industry practice as developed in the area from time to time (if not unreasonably restrictive) will satisfy this provision.

9. The Company shall work with other entities to facilitate the exchange of bulk power by transmission over its transmission facilities between or among two or more entities in the North Texas Area with which it is interconnected; and between any such entity(ies) and any entity(ies) engaging in bulk power supply outside the North Texas Area between whose facilities the Company's transmission lines and other transmission lines would form a continuous electrical path, provided that (a) permission to utilize such other transmission lines has been obtained by the proponent of the arrangement, and (b) the arrangements reasonably can be accommodated from a functional and technical standpoint. Such transmission shall be on terms that fully compensate the Company for its costs including a reasonable return on investment. Any entity(ies) requesting such transmission arrangements shall give reasonable advance notice of its (their) schedule and requirements. The Company shall not be required to enter into any arrangement which would impair system reliability or emergency transmission capacity, it being recognized that while some transmission may be operated fully loaded, other transmission may be for emergency use and operated either unloaded or partially loaded. (The foregoing applies to any entity(ies) to which the Company may be interconnected in the future as well as those to which they are now interconnected.)

10. The Company shall include in its planning and construction programs sufficient transmissions capacity as required for the transactions referred to in paragraph 9, provided any entity(ies) in the North Texas Area gives the Company sufficient advance notice as may be necessary to accommodate its (their) requirements from a functional and technical standpoint and that such entity(ies) fully compensates the Company for its costs including a reasonable return on investment. The Company shall not be required to construct transmission facilities if it finds construction of such facilities infeasible, or if its costs in connection therewith would exceed its benefits therefrom, or if it finds such would impair system reliability or emergency transmission capacity.

11. The forgeoing conditions shall be implemented in a manner consistent with applicable federal, state and local statutes and regulations. The obligations hereunder shall not require the Company to alter its established policy of conducting its operations exclusively on an intrastate basis (except to the extent permitted by exemptions contained in the Federal Power Act), nor shall they be interpreted to reflect any view on the part of the governmental agencies involved in the licensing process as to the legality or propriety of said policy.

[FR Doc.74-2286 Filed 1-29-74;8:45 am]

[Docket No. 50-346A et al.]

TOLEDO EDISON CO., ET AL

Notice and Order for Prehearing Conference

In the matter of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station), Docket No. 50-346A; Cleveland Electric Illuminating Co., et al. (Perry Plant, Units 1 and 2), Docket Nos. 50-440A, 50-441A, Duquesne Light Co., et al. (Beaver Valley, Unit 2), Docket No. 50-412A.

Take notice, that pursuant to the Atomic Energy Commission's "Memorandum and Order" dated January 21, 1974, in the matter of the antitrust proceedings involving the Davis-Besse Nuclear Power Station and relating to the other above-captioned cases, and in accordance with § 2.751a of the Commission's rules of practice, a special prehearing conference will be held on this matter on February 19, 1974, at 9:30 a.m., local time, in Courtroom No. 1, U.S. Tax Court, 1111 Constitution Avenue, NW., Washington, D.C.

The cardinal objective of said prehearing conference will be:

(1) To hear and consider all issues relating to the petitions filed by the City of Cleveland in the above-captioned proceedings, and any other petitions to intervene in the Perry antitrust proceeding;

(2) To hear and consider all issues relating to whether the three captioned proceedings, above, should be consolidated; and

(3) To receive any other additional information that may be relevant to this proceeding as noted by the Commission on page 3 of its Memorandum and Order.

In preparation for this conference the attorneys for the parties and the petitioners are directed to confer with each other as early as possible prior to the conference, and to report to the Board at the prehearing conference on:

(1) The status of negotiations referred to by the Commission, and prospect of settlement;

(2) Their willingness to stipulate to a joint statement of the facts and issues relating to the petitions to intervene filed by the City of Cleveland; and to consider any amendments to said petitions; and

(3) Any other matters that would aid in the orderly disposition of the matters before us.

It is so ordered.

Issued at Washington, D.C. this 25th day of January 1974.

THE ATOMIC SAFETY AND LICENSING BOARD,
JOHN H. BREBBIA,
Member.

GEORGE R. HALL,
Member.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-2374 Filed 1-29-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Order 74-1-120]

HUGHES AIRWEST AND UNITED AIR LINES, INC.

Order Approving Agreement Regarding Approval of a Capacity Agreement to Implement the Fuel Allocation Program

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of January 1974.

On October 12, 1973, the Energy Policy Office adopted regulations, pursuant to the Economic Stabilization Act of 1970, as amended by P.L. 93-28, April 30, 1973, establishing a mandatory fuel allocation program that imposes control 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 the adjustment of schedules to the extent necessary to deal with the developing fuel emergency. Subsequently, on December 27, 1973, the Federal Energy Office (FEO) announced that effective immediately the nation's trunkline carriers (including United) would be allocated 95% of their 1972 fuel levels and the regional carriers (including Hughes Airwest) would receive 100% of their 1972 fuel levels.[1a]

Pursuant to Order 73-10-50, discussions were held in Washington, D.C. on November 19, 1973 and an agreement was reached between Hughes Air Corp. d/b/a Hughes Airwest (Airwest) and United Air Lines, Inc. (United) to limit frequency by adjusting schedules in the San Francisco-Medford and San Francisco-Eugene markets.

The agreement which has been filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) will be implemented on January 7, 1974 and will terminate on April 28, 1974. The agreement also provides for the substitution of larger aircraft for smaller aircraft on an infrequent and irregular basis in order to satisfy unusual operational requirements and extra sections may be operated for operational reasons

[1] EPO Reg. 1, 38 F.R. 28660.

[1a] 39 F.R. 744, January 2, 1974. These regulations were adopted pursuant to the Emergency Petroleum Allocation Act, PL 93-159, November 27, 1973.

or upon unusual demands.[2] Furthermore, in the event of a cessation or curtailment of service by any party resulting from a labor dispute or other cause beyond the control of that party, the limits set forth in the agreement will be suspended during the period of such cessation or curtailment.

In the San Francisco-Eugene market, the agreement provides that United will delete one nonstop, round-trip frequency per day and Airwest will maintain its present level of service.[3] The agreement's provisions affecting the San Francisco-Medford market provide for the deletion by Airwest of its one daily nonstop frequency.[4]

Comments in opposition to the agreement have been filed by the Department of Justice (DOJ) and the Airline Pilots Association, International (ALPA).[5] DOJ incorporates by reference its answer of October 26, 1973 in this Docket and contends that the air carriers cannot rely upon the fuel situation as a justification for abandonment of competitive operations without a substantial showing that no other alternative means are available for satisfactorily achieving the desired objective. ALPA contends that mutual restraint agreements, executed in light of the fuel shortage, have precipitated employee layoffs. ALPA, therefore, requests that the Board condition approval of this agreement by imposing labor protective conditions.

As the Board has stated previously, the air transportation industry is being faced with a critical shortage of fuel. In order to operate within their allocated fuel levels, the carriers must make fuel-saving adjustments to their schedules. The Board has heretofore noted (see Orders 73–10–110, 73–11–147, 73–12–109) its concern that those adjustments be made in a manner that provides the best service possible under the circumstances. Accordingly, agreements on schedule reductions necessitated by the fuel emergency, which can be analyzed and monitored by the Board to the end that available capacity is operated under schedules that provide the public with the most convenient service practicable under the circumstances, will best serve the public interest.

Based on the foregoing fuel considerations and the provisions of the agreement, the Board concludes 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 relatively significant amounts of fuel.[6] This conclusion is predicated on information received concerning which flights will be eliminated, upon the initial implementation of the agreement. In the San Francisco-Eugene market, both carriers will continue to operate nonstop frequencies during the peak morning and evening travel hours as well as direct, one-stop frequencies throughout the day.[7] In the Medford-San Francisco market, United will continue to operate its three daily nonstop frequencies (in the morning, midday and in the evening) while Airwest will delete its one daily nonstop flight which operates six days per week late in the evening.[8] 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 in these two markets for the corresponding months of 1973 were significantly below the 72 percent figure (59.7%), and, as noted previously, at least one daily nonstop round-trip frequency will be operated in each market. 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]

ALPA has reiterated its comments filed in this Docket on October 29, 1973 and November 5, 1973 and, furthermore, asserts that (1) even though widespread employee injury may nevertheless result, the Board cannot regard this as a reason for ignoring employee welfare when it undertakes to benefit the affected carriers and (2) agreements of this nature determine how, when and where employee reductions will occur and, therefore, predetermine which employees will be adversely affected. We have considered ALPA's assertions and conclude for those same reasons detailed at length in Order 73–12–32 that the public interest does not require the imposition of any labor protective conditions. The fuel crisis has necessitated a reduction in schedules and it cannot logically be said that the Board's approval of these agreements has facilitated any adverse impact upon the carriers' employees. The public interest would not be served by imposing such conditions since the carriers could avoid Board approval by acting unilaterally at their discretion which would deprive the public of important benefits without securing any countervailing benefits to the employees.[10]

In view of the fuel shortages, 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. Pursuant to section 416 of the Act, United and Airwest 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.

The Board recognizes that the carriers' agreement to end Airwest's one nonstop flight in the San Francisco-Medford market will result in a cessation of direct service by Airwest in that market. In considering the anti-trust objections to this action, we have carefully analyzed Airwest's participation in this market. It is evident that Airwest's passenger share is minimal[11] and, consequently, its deletion of service will not deprive the market of a significant level or frequency of service. We, therefore, conclude that the agreement both fulfills a serious transportation need by achieving relatively significant fuel savings and secures important public benefits sufficient to outweigh the anti-trust objections of the Department of Justice.

Moreover, in accordance with past orders and 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. Our retention of jurisdiction will also enable the Board to consider any challenges that may be presented by non-agreement carrier(s). Furthermore, each carrier will be required to report any schedule changes in the San Francisco-Medford and San Francisco-Eugene

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

[3] According to the January 1, 1974 Official Airline Guide, both United and Airwest operate two daily nonstop round-trip frequencies.

[4] In the San Francisco-Medford market, United offers three nonstop, daily round-trip frequencies while Airwest offers one. (January 1, 1974, OAG).

[5] ALPA has filed a motion for leave to file an otherwise unauthorized document. However, with respect to this agreement the comments were timely filed and will be considered as an answer thereto.

[6] The carriers estimate fuel savings of approximately 458,000 gallons during the term of the agreement. (January 7, 1974 to April 28, 1974).

[7] In the San Francisco to Eugene segment, United will delete its early morning departure. Consequently, Airwest will operate nonstop frequencies at 9:30 a.m. and 5:50 p.m. and United will operate a non-stop flight at 6:45 p.m. The Eugene to San Francisco segment will find Airwest flying non-stop flights at 8:15 a.m. and 6:15 p.m. and United will continue to operate its nonstop at 8:10 a.m.

[8] Even though this flight is Airwest's only direct service between San Francisco and Medford, our approval of the agreement will not result in a temporary suspension of service by Airwest at Medford. The requirements of Airwest's certificate for serving Medford indicates that it must operate at least two nonstop round-trip frequencies per day, which will be satisfied by its continuous nonstop service to Portland and Eugene, Oregon.

[9] As we have noted previously, the Board will not tolerate the transfer of freed capacity to non-agreement 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] The latest figures for the 2nd quarter of 1973 illustrate that Airwest is receiving an approximate 17% passenger share in this market (as compared to United's 83%). For the same period, its O&D figures averaged approximately 15 local passengers per day.

markets during the term of the agreement. (See Appendix A, filed as part of the original document).[12]

Accordingly, it is ordered, That:

1. Agreement CAB 24135 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 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; copies of such reports shall be provided to all air carriers requesting them.

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 San Francisco-Eugene and San Francisco-Medford markets:

(a) Seats operated in 1972/1973 (November through April).

(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, United and Airwest 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;

5. Copies of this order shall be served on the Departments of Defense, Justice and Transportation; the U.S. Postal Service; the Cities of San Francisco, Medford and Eugene; ALPA; and all certificated route and supplemental air carriers; and

6. Except to the extent granted herein, all outstanding requests be and they hereby are denied.

By the Civil Aeronautics Board.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-2449 Filed 1-29-74;8:45 am]

[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.

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Associate General Counsel, Office of the Assistant Administrator for Enforcement and General Counsel.

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

[FR Doc.74-2479 Filed 1-29-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

Notice of Title Change in Noncareer Executive Assignment

By notice of December 1, 1972, FR Doc. 72-20731 the Civil Service Commission authorized the Federal Communications Commission to fill by noncareer executive assignment the position of Special Assistant to the Chairman for Policy and Planning, Office of the Chairman. This is notice that the title of this position is now being changed to Chief, Office of Plans and Policy.

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

[FR Doc.74-2480 Filed 1-29-74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, February 7, 1974
Thursday, February 14, 1974
Thursday, February 21, 1974
Thursday, February 28, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

JANUARY 25, 1974.

[FR Doc.74-2481 Filed 1-29-74;8:45 am]

Grant of Authority To Make a Noncareer Executive Assignment

DEPARTMENT OF JUSTICE

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Staff Assistant, Office of the Assistant Attorney General, Criminal Division.

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

[FR Doc.74-2478 Filed 1-29-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

NATIONAL PRESTO INDUSTRIES, INC.

Hearing Regarding Possible Substantial Product Hazard Involving Electric Fry Pans

The staff of the Consumer Product Safety Commission, on the basis of material which includes complaints of shock hazards involving the use of Presto electric fry pans, exchange of correspondence with the company, and the staff's own investigation, is of the opinion that the fry pans in question create a substantial product hazard. The manufacturer of the product is of the opinion that, although tests performed by the manufacturer and the National Bureau of Standards indicate some current leakage, there is no substantial risk of injury to the public involved in the use of the product and therefore no substantial product hazard exists.

Section 15 of the Consumer Product Safety Act (Pub. Law 92-573; 86 Stat. 1221; 15 U.S.C. 2064) provides that if the Commission determines (after affording interested persons, including consumers and consumer organizations, an opportunity for a hearing in accordance with section 554 of title 5, United States Code) that the manufacturer's product contains a substantial product hazard, the Commission may order the manufacturer to appropriately notify the public, manufacturers, distributors, retailers and known purchasers of the defect. In addition, section 15 provides that if it is in the public interest, the Commission may, after an opportunity for hearing, order the manufacturer, distributor or retailer

to repair, replace, or refund the purchase price of the product.

Therefore, the Commission has determined that a hearing, in accordance with section 554 of title 5, shall be held to determine:

1. If the current leakage from Presto fry pans, including model numbers FP 15 AD and FP 15 HD, present a substantial product hazard.

2. If notification in accordance with section 15(c) of the Act is required in order to adequately protect the public from such substantial product hazard.

3. If it is in the public interest to order the manufacturer to repair the defect, replace the product, or refund the purchase price of the product.

In view of the above, a prehearing conference will be held on February 27, 1974 at 10 a.m. in room 6705, Department of Commerce, 14th & E Street, NW., Washington, D.C. The presiding officer will be Administrative Law Judge Paul N. Pfeiffer, who was assigned to this case by the Civil Service Commission. The Administrative Law Judge is directed to expedite the hearing to the extent possible and upon completion of the hearing to issue an initial decision and certify the record to the Commission.

Since the Commission has not issued rules of procedures, the Administrative Law Judge will determine the rules of procedures to be followed.

Any person, other than the respondent, who desires to become a party to the proceedings, participate in the prehearing conference, or testify at the hearing may request to do so by writing to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

Dated: January 25, 1974.

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

[FR Doc.74-2353 Filed 1-29-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING THE ENVIRONMENT

Availability of Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency action impacting the environment contained in the following appendices during the period of December 1, 1973 and December 31, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: January 19, 1974.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1973 AND DECEMBER 31, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-61166-CO	Proposed management of portions of Davis Peak and Elkhorn Mountain roadless areas, Routt National Forest, Colo.	ER-2	I
D-REA-08011-CO	Transmission line from Longmount Substation to Delcamino, Colo.	ER-2	I
D-AFS-82071-OR	Vegetation management with herbicides, Siskiyou, Suislaw, Umpqua National Forests, calendar years 1974-1975, Oreg.	LO-1	K
D-SCS-36317-TX	Leona River Watershed, Tex.	LO-2	G
Corps of Engineers:			
D-COE-39062-MO	Operation and maintenance of Clear Water Lake, Mo.	LO-2	H
D-COE-36330-MO	Lost and Little Lost Creek, local protection project, Mo.	ER-2	H
D-COE-35100-VA	Aberdeen Creek, maintenance and dredging, Gloucester County, Va.	ER-2	D
D-COE-34091-FL	Upper St. Johns River Basin Project, multi-purpose impoundments, central and southern Fla.	3	E
D-COE-35097-OH	Small boat harbor and refuge, Fairport Harbor, Ohio.	LO-1	F
D-COE-32469-WI	Navigation improvements, Milwaukee Harbor, Wis.	3	F
D-COE-39067-WY	Yellowstone River and tributaries, Stage 3, Goose Creek, Sheridan, Wyo.	LO-1	I
D-COE-35098-WA	Seattle Harbor Maintenance and dredging project, Wash.	LO-1	K
D-COE-35102-OR	Commercial dredging at Ross Island, Willamette River, permit application, Portland, Oreg.	LO-1	K
D-COE-36324-CA	Bear River Flood Protection, near Marysville, Calif.	ER-2	J
D-COE-35096-TX	Shell dredging in San Antonio Bay, Tex.	ER-1	G
D-COE-30070-TX	Port Arthur and vicinity hurricane protection, Tex.	3	G
D-COE-34095-TX	Lake Texarkana, Tex.	LO-2	G
D-COE-32461-NY	Maintenance of Jones Inlet, Nassau County, navigation project, New York.	LO-2	B
D-COE-32457-00	Alabama-Coosa Rivers, Alabama and Georgia	ER-2	E
D-COE-34089-GA	Spewrell Bluff Dam (multi-purpose reservoir), Ga.	ER-2	E
Delaware River Basin Commission:			
D-DRB-05436-PA	Martin's Creek Steam Electric Station Units Nos. 3 and 4, Northampton County, Pa.	ER-2	D
Federal Power Commission:			
D-FPC-36327-WA	Ross development of project No. 553, Skagit River, Wash.	ER-2	K
D-FPC-05435-WA	Rock Island project No. 943, application for license amendment, Wash.	LO-1	K
Department of the Interior:			
D-IGS-67003-MT	Proposed plan of mining and reclamation, Big Sky Mine, Peabody Coal Co., Colstrip, Mont.	ER-2	I
D-NPS-61168-UT	Zion Wilderness, Zion National Park, Utah	LO-2	I
D-BOR-99060-CO	Roxborough Land and Water Conservation Fund Project, Douglas County, Colo.	LO-1	I
D-BLM-02049-00	1974 OCS Oil and Gas Lease Sale, Offshore Louisiana.	ER-2	A
Department of Transportation:			
D-FAA-51333-MS	New Albany-Union County Airport, New Albany, Miss.	LO-2	E
D-FHW-42025-KS	K-96, Sedgwick County, Kans.	LO-2	H
D-FHW-42026-NB	Omaha-Nebraska City Expressway, Nebr.	LO-2	H
D-FHW-42042-KS	Intersection of 71st and Metcalf Avenue, Overland Park, Kans.	LO-2	H
D-FAA-51319-IA	Creston Municipal Airport, Iowa.	LO-2	H
D-FHW-42076-PA	L.R. 1131, Section A-10, Allegheny County, Pa.	ER-2	D
D-FHW-42077-VA	I-66, Fairfax and Arlington Counties, Va.	EU-1	A
D-UMT-53030-PA	Center City Commuter Rail Connection, Philadelphia, Pa.	ER-2	D
D-FAA-51326-WV	Mineral County Airport, Keyser, W. Va.	LO-2	D
D-FHW-42064-NH	U.S. Routes 4, 202, and Route 9, Concord, N.H.	ER-2	B
D-FHW-42000-WI	Milwaukee to Green Bay Interstate I-57, Brown, Sheboygan, and Nanitouac Counties, Wis.	LO-1	F

Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-42037-WI	Portage STH 54 and U.S. 51, Marquette, Waushara, and Portage Counties, Wisc.	LO-2	F
D-FHW-42038-WI	Merrill C.T.H.K. U.S. 51, Lincoln and Oneida Counties, Wis.	ER-2	F
D-FHW-42034-WI	Maddison Beaver Dam Road, U.S. Highway 151, Dane, Columbia, and Dodge Counties, Wis.	ER-2	F
D-FAA-51316-IN	Mount Comfort Airport, Mount Comfort, Ind	ER-2	F
D-FHW-42043-IL	U.S. 460, Illinois Route 15, Jefferson County, Ill	ER-1	F
D-FAA-51320-MN	Filmore County Airport, Preston, Minn	LO-1	F
D-FHW-42044-MN	U.S. 10, Ottertail County, Minn	LO-2	F
D-FHW-42045-WI	S.T.H. 33, Washington and Dodge Counties, Wis	LO-2	F
D-CGD-39061-MI	Coast Guard icebreaking activities on the Great Lakes, Mich.	LO-2	F
D-FHW-42058-MI	M 99, Logan Street Corridor and Alignment, Michigan	ER-2	F
D-FAA-51330-MN	Two Harbors Municipal Airport, Two Harbors, Minn	LO-2	F
D-FHW-42014-ND	12th Avenue North, Fargo, N. Dak	LO-1	I
D-FHW-42085-ND	White Earth South to U.S. Highway 2, Montrail County, N. Dak.	LO-1	I
D-FHW-41987-UT	Redwood Road, Salt Lake City, Utah	ER-2	I
D-FHW-42027-ND	Minot Bypass, N. Dak	ER-2	I
D-FHW-09014-OH	138 KV Utility line, Lineworth to Huntley, Ohio	LO-1	F
D-FHW-42052-WA	S.R. 16, Narrows Bridge to Sinclair Inlet, Wash	LO-2	K
D-FHW-41989-CA	Route 61, Alameda County, Calif	LO-1	J
D-FHW-42003-CA	Route 99, from Route 132 to Pelandale, Stanislaus County, Calif.	3	J
D-FHW-42005-CA	Route 87, Quadalupe Freeway, San Jose, Santa Clara County, Calif.	ER-2	J
D-FHW-42046-TX	State Highway 34 in Terrell, Tex	ER-2	G
D-FAA-51322-TX	Graham Municipal Airport, Tex	LO-2	G
D-FHW-42062-TX	U.S. 59 and 96 from Shelby to Ponala County line to 4.8 miles south of Tenaha, Tex.	LO-1	G
D-FHW-42036-KY	Letcher County, Applachian Corridor, Ky	LO-1	E
D-FAA-51318-GA	Cairo-Grady County Airport, improvement of runway, Ga.	LO-2	E
D-FHW-42057-NC	Mecklenburg County (Eastway Drive to Hickory), N.C.	LO-2	E
D-FHW-42051-KY	Graves and McCraken Counties, Mayfield-Paducah Road, U.S. 45, Ky.	LO-2	E
D-FHW-42060-NJ	Route 78 in Springfield, Mountainside, Summit, Berkeley Heights, N.J.	EU-2	C
United States Postal Service:			
D-USP-81150-DE	U.S. Post Office Building, Newark, Del	ER-2	D

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient Information

EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1973 AND DECEMBER 31, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of transportation:			
F-FHW-42055-AZ	I-19, Nogales, Tucson, Ariz	EPA agreed with the project as proposed. The final EIS adequately accommodated our comments on the draft.	J
F-FHW-41375-FL	I-75, State Road 93, Andytown to Palmetto Expressway, Broward and Dade Counties, Fla.	EPA generally agreed with project as proposed. However, EPA questioned highway model relative to carbon monoxide concentrations.	E
Corps of Engineers:			
F-COE-80264-MS	Sowaskee Creek Watershed, Lauderdale, Miss.	EPA generally agreed with the project as proposed. However, EPA requested several clarifications relative to our draft comments.	E
F-COE-34029-TN	Cordell Hull Dam and Reservoir, Cumberland River, Tenn.	EPA generally agreed with the project as proposed. However, EPA requested more information on solid waste disposal sites, and expected volume of waterborne transportation.	E
F-COE-30233-MS	Tombigbee River (East Fork), Itawamba County, Miss	Final statement was deemed to adequately cover EPA's comment on draft. EPA agrees with project as proposed.	E
F-COE-32071-FL	Jacksonville Harbor, Jacksonville, Fla. (supplement to previous final statement).	EPA generally agreed with project as proposed. However, EPA took exception to the continued encroachment on the marshes of the St. John's Estuary and eventual degradation of fish and wildlife areas.	E
F-COE-39070-VA	Water intake and pump station, Northwest River, Chesapeake, Va.	EPA was generally satisfied with the proposed project as reflected in the final statement. However, EPA criticized the lack of commitment to a physical or analytical model, the absence of raw water quality data and indications on the expected potable water based on the treatment to be provided, and the absence of contingency plans for continued supply of water to those customers to be served by the water treatment plant.	D
F-COE-82052-FL	Aquatic plant control program, Florida.	EPA generally agreed with project as proposed. However, EPA asked for assurances that 2-4 DMA would be used in compliance with FIFRA.	E
F-COE-60080-LA	Bushley Bayou, La	EPA found that our comments on the draft statement were not adequately resolved in the final EIS, and we continue to have environmental reservations concerning accelerated clearing of large areas of wetlands made possible by this project, more intensive cultivation of presently cleared lands, and with the resultant water quality deterioration.	G
General Services Administration:			
F-GSA-81132-WV	Federal Building, Post Office, and Courthouse, Elkins, W. Va.	EPA generally agreed with proposed project. However, EPA questioned whether GSA had reached any conclusions on the noise effects of proposed project on a nearby school.	D
Department of Agriculture:			
F-AFS-82072-00	Use of herbicides in vegetation management.	EPA's comments on the draft EIS were late in being forwarded to the forest service and were not incorporated into the final EIS. However, EPA's comments on the draft expressed concern that there were several instances where the proposed uses of herbicides were not in accord with Federal Regulations and that changes in procedure were needed. Our comments on the final requested that these comments be considered in the decision-making process.	A

APPENDIX IV

REGULATIONS, LEGISLATION, AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN DECEMBER 1, 1973 AND DECEMBER 31, 1973

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-AFS-64023-00.	Use of off-road vehicles—operating conditions.	EPA expressed general concurrence with the proposed rule. In order to ensure consistency with the provisions of the Noise Control Act of 1972, certain revisions to the 36 CFR Part 295 noise levels were suggested.	A
Department of Transportation:			
R-FAA-52057-00.	Propeller driven small airplanes—noise standards.	EPA believes that the proposed rule requires modification. Specifically, EPA pointed out that the noise evaluation procedures, flight procedures, performance correction procedure, and noise compliance levels require strengthening.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street N.E., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-2158 Filed 1-29-74;8:45 am]

WOODS INDUSTRIES, INC.

Application for Registration of Pesticides Containing DDT

Correction

In FR Doc. 74-1804, appearing on page 2509 in the issue for Tuesday, January 22, 1974, change the document heading to read as set forth above, and change the date for the closing of the comments period to read "February 21, 1974".

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19896; FCC 74-79]

BELL SYSTEM TARIFF OFFERINGS

Memorandum Opinion and Order Modifying Issues

In the matters of Bell System Tariff Offerings of Local Distribution Facilities for Use by Other Common Carriers; and Letter of Chief, Common Carrier Bureau, dated October 19, 1973, to Laurence E. Harris, Vice President, MCI Telecommunications Corporation, Docket No. 19896.

1. In a Memorandum Opinion and Order to Show Cause, FCC 73-1299, released December 13, 1973, in paragraph 18, we directed the Bell System companies to show cause why they should not be ordered to cease and desist from:

(a) Altering, in any way, the provisions of exchange of facilities contracts with Western Union, except in strict accordance with the terms of such contracts;

(b) Engaging in any conduct which results in a denial of, or unreasonable delay in establishing, physical connections with MCI for its authorized or pending interstate services;

(c) Implementing any policy or practice which forecloses the establishment of through routes, and charges, facilities and regulations applicable thereto, in connection with MCI's authorized or pending interstate services;

(d) Filing with state commissions tariff schedules of charges and regulations for services and facilities used for communications originating in one state and terminating in another state; and

(e) Implementing any policy or practice which results in denying MCI interconnection privileges similar to those presently provided to AT&T's Long Lines Department in connection with its authorized or pending interstate service.

AT&T was also ordered to show cause: (a) Why filing Bell tariffs for domestic satellite interconnection facilities with state commissions, rather than exclusively with this Commission, should not be considered as non-compliance with a condition in its domestic satellite authorizations that such filings be made pursuant to Section 203 of the Act and Part 61 of our Rules; and, (b) if such filings with the states are found not to be in compliance with the foregoing condition, why AT&T's domestic satellite authorizations should not be revoked or modified.

2. Now before us for consideration are the following pleadings: a petition to modify issues filed January 10, 1974, by ITT World Communications, Inc. (ITT); a petition to clarify issues, filed January 4, 1974, by RCA Global Communications, Inc. (RCA); a motion to change issues, filed January 17, 1974, by Western Union International, Inc. (WUI);[1] a letter from WUI, dated January 3, 1974, requesting that we require the Bell System companies to defer implementation of certain tariffs pending the conclusion of this proceeding, and a request by ITT filed January 18, 1974, for the grant of an extension of time in which to file briefs. Responsive pleadings were filed January 11 and 17, 1974, by the Chief, Common Carrier Bureau, on January 17, 1974, by MCI Telecommunications Corporation and MCI-New York West, Inc. (MCI) and on January 22, 1974, by the Bell System companies.

3. In its petition RCA requests that we modify clauses (b), (c), (d) and (e) of paragraph 18 so that they will encompass Bell's conduct with carriers other than MCI and communications which would terminate in a foreign country. WUI and ITT also would have us modify paragraph 18(d) to include communications between domestic and foreign points. In addition WUI and ITT request that we modify paragraph 18(a) to include contracts for services which the Bell System may have with other common carriers. ITT also requests that Bell be ordered to provide facilities to all carriers on the same terms and conditions, and WUI requests an additional clause ordering Bell to cease and desist from the implementation of any policy or practice which would impair service to international carriers in violation of section 214 of the Act and Part 63 of the rules.

4. In permitting the intervention and participation of carriers other than MCI and the Western Union Telegraph Company (Western Union Telegraph), we recognized their interest in the matters raised by the Memorandum Opinion and Order to Show Cause. The policy considerations raised by enlarging the issues to encompass the intervening carriers do not appear to be significantly different from those raised by MCI. Moreover, with respect to clause (d), our concern is to prevent an unlawful derogation of our regulatory authority over interstate

[1] WUI's petition, which was untimely, was accompanied by a motion for waiver requesting that we accept its late petition.

communications through the filing of certain tariffs with state commissions. Thus we will broaden the scope of our order to include other interested carriers and international communications either originating or terminating in the United States.

5. ITT and WUI both argue that they have been provided with services pursuant to contracts with the Pacific Telephone and Telegraph Company (PT&T), a Bell System affiliate and respondent in this proceeding. They assert that PT&T is seeking to abrogate these contracts through the filing of FCC Tariff No. 122, and they request that clause (a) of paragraph 18 be modified to include their contracts with the Bell System companies. The requested relief will be denied. It is not clear from the allegations in the pleadings before us that the factual, legal and policy matters with respect to the ITT and WUI situation are sufficiently similar to those under consideration here to warrant their inclusion;[3] and we deem it inadvisable to broaden the questions to be explored in this already complex proceeding. On the contrary, we conclude that it would be more appropriate to consider the matters raised by ITT and WUI in a proceeding involving their own contractual arrangements with PT&T and the tariff filings which they assert affect or threaten the continuation of such arrangements.

6. ITT also requests that we order Bell to cease and desist from discriminating among carriers. Specifically, it alleges that preferential rates are being accorded Western Union Telegraph under the exchange contracts which are continued by our Memorandum Opinion and Order to Show Cause. What is in issue here, however, is the legal question of whether Western Union Telegraph's contracts can be superseded by tariff filings, and the factual question of whether or not the Bell System has engaged in discriminatory conduct in its contracts with other carriers is beyond the scope of this proceeding. This request must therefore also be denied.

7. WUI also requests that we order the Bell System companies to show cause why they should not cease and desist from implementing any policy or practice which would impair services to international record carriers in violation of the Act and Rules. WUI alleges that certain tariffs filed with state regulatory commissions will result in a derogation of services. To the extent that the inquiry requested is encompassed in clause (d) of paragraph 18, it will of course be considered. However, we have no sufficient basis for the broad sweeping order requested by WUI.

8. WUI also filed a letter in this docket requesting us to exercise peremptory jurisdiction and order the Bell System companies to continue to provide existing services and to defer the effective dates of certain unspecified FCC tariffs for service to international record carriers. WUI's letter is not in a form authorized by our Rules, it contains no affidavit of service, and it has not shown that contracts similar to that between Western Union Telegraph and Bell are involved, or the nature of its arrangements with Bell. WUI's letter is improper, and it will be dismissed.

9. We also have under consideration a request from ITT for an extension of time within which to file briefs.[5] ITT cites our failure to act earlier on its petition to modify issues[4] and on its petition for leave to intervene.[5] Our Memorandum Opinion and Order to Show Cause was released on December 13, 1973. It placed all interested parties on notice that they were to advise the Commission by December 27, 1973, of their intention to appear and to file briefs by January 21, 1974. Since ITT was dilatory in that it did not petition for leave to intervene until January 7, 1974, or file its petition to modify issues until January 10, 1974, we find no merit to its request for an extension of time.[6] We are of course cognizant that the modifications of our Memorandum Opinion and Order to Show Cause as granted herein raise additional issues, and we shall authorize the filing of additional pleadings to enable the parties to comment on such new matters.

11. *Accordingly, it is ordered.* That paragraphs 18 (b), (c), (d) and (e) of our Memorandum Opinion and Order to Show Cause, FCC 73-1299, released December 13. 1973. are modified to read:

(b) Engaging in any conduct which results in a denial of, or unreasonable delay in establishing, physical connections with MCI and the other carrier parties for their authorized or pending interstate services;

(c) Implementing any policy or practice which forecloses the establishment of through routes, and charges, facilities and regulations applicable thereto, in connection with MCI's and the other carrier parties' authorized or pending interstate services;

(d) Filing with state commissions tariff schedules of charges and regulations for services and facilities used for communications originating in one state and terminating in another state, or communications between a state and a point outside the United States; and

(e) Implementing any policy or practice which results in denying MCI or any other carrier party interconnection privileges similar to those presently provided to AT&T's Long Lines Department in connection with their authorized or pending interstate services.

12. *It is further ordered,* That the parties are authorized to comment on new issues raised by the foregoing modifications in their reply comments on or before February 4, 1974, and may file further reply comments related to other parties' comments on such matters no later than February 11, 1974.

13. *It is further ordered,* That the petition to clarify issues filed January 4, 1974, by RCA Global Communications, Inc. is granted;

14. *It is further ordered,* That a petition for waiver of the rules, filed January 17, 1974, by Western Union International, Inc., is granted,

15. *It is further ordered,* That the petitions to modify issues, filed January 10, 1974, by ITT World Communications, Inc. and to change issues, filed January 17, 1974, by Western Union International, Inc., are granted to the extent indicated herein and in all other respects are denied.

16. *It is further ordered,* That the letter filed January 3, 1973, by Western Union International, Inc., is dismissed.

17. *It is further ordered,* That the request for an extension of time in which to file briefs filed January 18, 1974, by ITT World Communications, Inc., is denied.

Adopted: January 23, 1974.

Released: January 25, 1974.

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

[FR Doc.74-2412 Filed 1-29-74;8:45 am]

[Report 684]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JANUARY 21, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an 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 one business day preceding the day on which the Commission takes action on the pre-

[3] Western Union Telegraph's contracts provide for exchange of services. In contrast both ITT and WUI's contracts are only for the provision of services by Bell. WUI argues that, in effect, Western Union Telegraph no longer furnishes Bell with services under the exchange of services contracts.

[3] On January 22, 1974, counsel for ITT advised by wire that the Bell System companies had no objection to a grant of the requested extension.

[4] Brief were due on January 21, 1974. Since ITT did not file its petition to modify until January 10, 1974, replies were not due until January 24, 1974. This untimely filing delayed the disposition of ITT's petition.

[5] The petition for leave to intervene was granted by our Order, FCC 74-44, adopted January 16, 1974, released January 22, 1974. A public notice advising the parties of the action taken released on January 16, 1974.

[6] It should be noted that none of the other intervenors or parties has requested an extension of time to file briefs.

[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).

viously 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.

January 21, 1974

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20805–C2–P–74—Houston Mobilfone, Inc. (KKA343), C.P. to change antenna location operating on 152.09 MHz to be located at 6222 Skyline Drive, Houston, Texas.

20806–C2–P–(2)–74—Houston Radiophone Service (KKA344), CP. to change antenna location operating on 152.03 and 152.06 MHz to be located at 6222 Skyline Drive, Houston, Texas.

20807–C2–P–(4)–74—Radiofone Corporation of New Jersey (KEJ886), C.P. for additional facilities to operate on 454.125, 454.300, 454.325, and 454.350 MHz at Loc. #3: Adjacent to railroad tracks on Mizzen Avenue, Beachwood, New Jersey.

20808–C2–P–(6)–74—Radiofone Corporation of New Jersey (KEC744), C.P. for additional facilities to operate on 454.025, 454.125, 454.150, 454.225, 454.325, and 454.350 MHz located at Boardwalk at Iowa Avenue, Atlantic City, New Jersey.

20809–C2–P–(6)–74—Rendezvous Paging Corporation (KGC222), C.P. for additional facilities to operate on 454.050, 454.100, 454.125, 454.300, and 454.350 MHz at Loc. #1: 75 yds. east of TV station WTPA, top of Blue Mountain, Pennsylvania.

20810–C2–P–(2)–74—Otis L. Hale d/b as Mobilfone Communications (KLB500), C.P. to change antenna location #3 to Tower Building, Fourth & Center Streets, Little Rock, Arkansas, operating on 454.05 MHz, control.

20811–C2–TC–(2)–74—North Shore Communications, Inc. Consent to Transfer of Control from Frank E. Keniston & Richard R. Locke, TRANSFERORS to RAM Broadcasting of Massachusetts, TRANSFEROR. Stations: KCC483, Wakefield, Mass., and KSV956, Wakefield, Mass.

20812–C2–P–74—Francis Lambert & Virginia Clauretie d/b as Chayce'N You (KRS638), C.P. to change antenna location operating on 152.06 MHz to WBSM (FM) Tower, New Bedford, Mass.

20813–C2–P–(5)–74—Albert F. DiCroce d/b as Peabody Telephone Answering Service (KSV954). C.P. to add five new antenna locations to operate on 158.70 MHz described as follows: Loc. #2: Silver Hill, Haverhill, Massachusetts; Loc. #3: Nobscott Hill, 5 miles North of Framingham, Massachusetts; Loc. #4: John Hancock Tower Building, Boston, Massachusetts; Loc. #5: S.W. corner of Morrison and Governor Dinsmore Roads, Windham, New Hampshire; and Loc. #6: On top of Belleview Hill, West Roxbury, Massachusetts.

20814–C2–AL–3()–74—Communications Industries, Inc. d/b as Mobilfone. Consent to Assignment of License from Mobilfone, ASSIGNOR to General Communications Service, Inc., ASSIGNEE. Stations: KKG565, KLF601, Midland, Texas, and KLB562, Andrews, Texas.

20837–C2–P–74—Rad Com Electronics, Inc. (KOP298), C.P. for additional facilities to operate on 152.15 MHz located at Cosmopolis Hill, 2 miles S. of Cosmopolis, Washington.

20838–C2P–74—Norman County Telephone Company, Inc. (KTS251), C.P. for additional facilities to operate on 152.66 MHz located at 1.2 miles W. of Hwy. 9; 3.7 miles South of Ada, Minnesota.

January 21, 1974

20839–C2–P–74—Palmerton Telephone Company (KGC403). C.P. for additional facilities to operate on 152.63 MHz located near Route #13038, 3 miles South & East of Palmerton, Pa.

20840–C2–P–(2)–74—W. L. & R. L. Meadow, d/b as Jacksonville Radio Dispatch Service (KIQ510), C.P. to replace transmitters operating on 35.58 MHz at Loc. #1: 1510 Montana Avenue, Jacksonville, Florida; and Loc. #2: 1037 10th Avenue South, Jacksonville Beach, Florida.

20841–C2–P–(2)–74—John Leo Collins d/b as Collins Communications Company (KLF-606). C.P. for additional facilities to operate on 454.225 MHz at Loc. #1: 1.9 miles South of High Point, Washington; and control facilities to operate on 459.225 MHz at Loc. #3: 10620 N.E. 17th Street, Bellevue, Washington.

20842–C2–AL–(2)–74—George E. Kitchen. Consent to Assignment of license from George E. Kitchen, ASSIGNOR, to Harbor Communications, Inc., ASSIGNEE. Stations: KLF591 and KWA673, Benton Harbor, Michigan.

Major Amendments

3865–C2–P–71—Anserphone, Inc. (KQK773). 1 mile North of Girard, Ohio. Amend to change antenna system and location to Loys Corners, 1 mile N. of Girard (Trumbull), Ohio, for base station operating on 454.200 MHz.

Correction

20788–C2–P–(2)–74—Industrial Communications Systems, Inc. (KMD990). Correct PN #633 dated 1–14–74 to read: C.P. to add control facilities to operate on 2120.4 MHz at Loc. #2: 1500 W. 58th Street, Los Angeles, California; and to add repeater facilities to operate on 2170.4 MHz to be located at a new site described as Loc. #4: Saddle Peak, 4.5 miles N.E. of Malibu, California.

RURAL RADIO SERVICE

60174–C6–P–74—Greater Anchorage Borough (NEW). C.P. for a new central office station to operate on 152.510 MHz to be located at Hwy. #1, between Indian and Bird Creeks, Indian-Bird, Alaska.

60169–C6–AL–74—Communicatons Industries, Inc., d/b as Molibfone. Consent to Assignment of License from Mobilfone, ASSIGNOR, to General Communications Service, Inc., ASSIGNEE. Station: KKU93, Tempoary-Fixed-Texas.

60170–C6–P–74—RCA Alaska Communications, Inc. (NEW). C.P. for a new central office station to operate on 152.57 MHz to be located at White Alice Station located 340 miles WSW of Kodiak, Port Moller (WACS), Alaska. Application being resubmitted because construction permit expired.

60171–C6–P–74—RCA Alaska Communications, Inc. (NEW), C.P. for a new rural subscriber station to operate on 157.83 MHz located at Village, 355 miles WSW of Kodiak, Nelson Lagoon, Alaska. Application is being resubmitted because construction permit expired.

60172–C6–P/L–74—The Mountain States Telephone and Telegraph Company (NEW), C.P. for a new rural subscriber station to operate on 157.89 MHz to be located 23.8 miles ESE of Kemmerer, Wyoming.

60173–C6–P/L–74—Willis B. Johnson, d/b as Telanswer Radiophone Service (NEW), C.P. for a new rural subscriber station to operate on 158.49 MHz located at any temporary-fixed location within the territory of the grantee.

Major Amendment

60077–C6–P/L–74—(NEW), change frequency to 157.77 MHz. All other particulars are to remain the same as reported on PN #671 dated October 23, 1973.

POINT-TO-POINT MICROWAVE RADIO SERVICE

2631–C1–P–74—Eastern Microwave, Inc. (WDD74), Penobscot Mountain, 0.8 Mile North of Mountain Top, Pennsylvania. Lat. 41°10'57" N., Long. 75°52'20" W. C.P. for a new point of communication on freq. 10,895H MHz toward Elk Hill, Pa. (KGO27) on azimuth 23°35'. (INFORMATIVE: Applicant proposes to tie Pennsylvania Public Television Network Microwave System into the existing Eastern trunkline for fault alarm reporting and engineering channel monitoring.)

2632–C1–P/L–74—South Central Bell Telephone Company (New), at any temporary-fixed location within the states of Alabama, Kentucky, Louisiana, Mississippi, and Tennessee. C.P. and License for a new station on freqs. 3700–4200, 5925–6425 and 10,700–11,700 MHz.

2633–C1–TC–(2)–74—Mogollon Mountains Telephone Company, consent to Transfer of Control from Mogollon Mountains Telephone Company, TRANSFEROR, to Jack C. Keen, TRANSFEREE, for Stations: WQP62—Pinos Altos, N. Mex., and WQP63—Bushy Mtn., N. Mex.

2634–C1–AL–74—American Telephone and Telegraph Company, consent to Assignment of License from American Telephone and Telegraph Company, ASSIGNOR, to Illinois Bell Telephone Company, ASSIGNEE, for Station: KSE99—Mt. Auburn, Ill.

2635–C1–P–74—Southern Bell Telephone and Telegraph Company (KIY62), on Paris Mountain, 6 Miles North of Greenville, South Carolina. Lat. 34°56'29" N., Long. 82°24'40" W. C.P. to add freq. 4050H MHz toward a new point of communication at McAlpine, N.C., on azimuth 356°14'.

2636–C1–P–74—Same (KJJ80), McAlpine, 1 Mile North of Tuxedo, North Carolina. Lat. 35°14'32" N., Long. 82°26'07" W. C.P. to add freq. 4070V MHz toward Frying Pan Mtn., N.C., on azimuth 298°49'.

2637–C1–P–74—Same (KJJ79), Frying Pan Mountain, 10.5 Miles NNW of Brevard, North Carolina. Lat. 35°23'37" N., Long. 82°46'28" W. C.P. to add freq. 11,685V MHz toward Rosman, N.C., on azimuth 202°43'.

2638–C1–P–74—New England Telephone and Telegraph Company (KCL80), Worcester, Massachusetts. Lat. 42°15'55" N., Long. 71°48'17" W. C.P. to change antenna system and add freq. 11,285H MHz toward Paxton, Mass., on azimuth 297°42'.

2639–C1–P–74—New England Telephone and Telegraph Company (KCL79), Asnebumskit Road, Paxton, Massachusetts. Lat. 42°18'05" N., Long. 71°53'51" W. C.P. to change antenna system and add freq. 10,835H MHz toward Worcester, Mass., on azimuth 117°38'; freq. 6404.8V MHz toward Pelham, Mass., on azimuth 283°05'.

2640–C1–P–74—Same (KCL81), U.S. Route #202, 0.3 Mile South of Pelham Center, Pelham, Massachusetts. Lat. 42°23'15" N., Long. 72°24'14' W. C.P. to change antenna system & add freq. 6152.8H MHz toward Paxton, Mass., on azimuth 102°44'; freq. 6152.8V MHz toward Springfield, Mass., on azimuth 206°21'.

2641–C1–P–74—Same (KCL82), 295 Worthington Street, Springfield, Massachusetts. Lat. 42°06'18" N., Long. 72°35'30" W. C.P. to change antenna system and add freq. 6404.8H MHz toward Pelham, Mass. on azimuth 26°13'.

2642–C1–P–74—Hawaiian Telephone Company (KUQ83), Trig. Mark, Puu Kapele, Hawaii. Lat. 22°04'58" N., Long. 159°40'10" W. C.P. to change alarm center location, replace transmitter, and change freqs. 6189.8 and 6249.1 MHz to 6234.3H and 6352.9H MHz toward Barking Sands, Hawaii, via Passive Reflector.

2643–C1–P–74—Same (KUQ84), Pacific Missile Range, Barking Sands, Ola Ka Moi Blvd., 6.4 Miles NW of Kekaha, Kauai, Hawaii. Lat. 22°02'03" N., Long. 159°46'59" W. C.P. to change antenna system, antenna location, alarm center location, replace transmitter, and change freqs. 5937.8 and 5997.1 MHz to 5982.3H and 6100.9H MHz toward Puu Kapele C.O., Hawaii, via Passive Reflector.

2644–C1–P/L–74—Carolina Telephone and Telegraph Company (New). Temporary fixed locations in the State of North Carolina. C.P. and License for a new station on freqs. 3700–4200, 5925–6425, and 10,700–11,700 MHz.

2645–C1–P–74—Northwestern Bell Telephone Company (New). Approx. 5.6 Miles West of Newfolden, Minnesota. Lat. 48°21'23" N., Long. 96°27'38 W. C.P. for a new station on freq. 2162.0H MHz toward Thief River Falls, Minn., on azimuth 143°09'; freq. 2170.0V MHz toward Robbin, Minn., on azimuth 299°30'.

2646–C1–P–74—Same (KAV61) First Street, 600 ft. West of Brooks Ave., Thief River Falls, Minnesota. Lat. 48°06'59" N., Long. 96°11'32" W. C.P. to change antenna system and add freq. 2112.0H MHz toward a new point of communication at Newfolden, Minn., on azimuth 323°21'.

2705–C1–MP–74—Continental Telephone Company of the Northwest (WPE75), Newhalem, Washington. Lat 48°40'29" N., Long. 121°14'29" W. Mod. of C.P. to change antenna system, alarm center location, emission, and replace transmitter on freq. 2178.0V & 0H MHz toward Marblemont, Wash., via Passive Reflector.

2706–C1–MP–74—Same (WPE74), Near Marblemont, Washington. Lat. 48°31'38" N., Long. 121°26'30" W. Mod. of C.P. to change antenna system, alarm center locations, emission, and replace transmitter on freq. 2128.0V & 0H MHz toward Newhalem, Wash., via Passive Reflector.

2707–C1–P–74—Hawaiian Telephone Company (WDD39), 1177 Bishop Street, Honolulu, Hawaii. Lat. 21°18'47" N., Long. 157°51'43" W. C.P. to change antenna system and add freq. 2167.2V MHz toward a new point of communication at Ewa, Hawaii, on azimuth 277°16'; freqs. 10,755V and 10,995V MHz toward a new point of communication at Camp Smith, Hawaii, on azimuth 329°01'.

2710–C1–P–74—Interdata Communications, Inc. (WOG70), 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40°03'33" N., Long. 75°14'20" W. C.P. to add freqs. 6256.5H, 6315.9H, and 6375.2H MHz toward Plumsteadville, Pa., and freqs. 11,015H and 10,935H MHz toward Philadelphia, Pa.

2711–C1–P–74—Same (WIU92), 117 South 17th Street, Philadelphia, Pennsylvania. Lat. 39°57'02" N., Long. 75°10'09" W. C.P. to add freqs. 11,425H and 11,345H MHz toward Roxborough, Pa.

2712–C1–P–74—Same (WOG71), 0.4 Mile NNE of Plumsteadville, Pennsylvania. Lat. 40°23'37" N., Long. 75°08'44" W. C.P. to add freqs. 6034.2H, 6093.5H, and 6152.8H MHz toward Roxborough, Pa., and freqs. 6004.5H, 6063.8H, and 6123.1H MHz toward Neshanic, N.J.

2713–C1–P–74—Same (WOG72), 2.0 Miles SSW of Neshanic, New Jersey. Lat. 40°28'-10" N., Long. 74°43'43" W. C.P. to add freqs. 6286.2H, 6345.5H, and 6404.8H MHz toward Plumsteadville, Pa., and freqs. 6226.9H MHz, 6345.5H, and 6404.8H MHz toward South Amboy, N.J.

2714–C1–P–74—Same (WIU95), 0.5 Mile West of South Amboy, New Jersey. Lat. 40°28'51" N., Long. 74°17'56" W. C.P. to add freqs. 5974.8V, 6093.5V, and 6152.8V MHz toward Neshanic, N.J., and freqs. 6034.2H, 6093.5H, and 6152.8H MHz toward New York, New York.

2715–C1–P–74—Same (WIU98), 55 Water Street, New York, New York. Lat. 40°42'10" N., Long. 74°00'34" W. C.P. to add freqs. 6286.2H, 6345.5H, and 6404.8H MHz toward South Amboy, N.J.

2716–C1–P–74—MCI New York West, Inc. (WLI70), John Hancock Building, 875 North Michigan Ave., Chicago, Illinois. Lat. 41°53'56" N., Long. 87°37'24" W. C.P. to add frequencies 10,975.0H MHz, and 10,895.0H MHz toward Chicago South, Illinois.

2717–C1–P–74—Same (WLI71), 200 Block of W. 87th Street, Chicago, Illinois. Lat. 41°44'08" N., Long. 87°37'52" W. C.P. to add frequencies 11,385.0H MHz, and 11,545.0H MHz toward Chicago, Illinois, and frequencies 11,585.0V MHz and 11,345.0V MHz toward Hammond, Indiana.

2718–C1–P–74—Same (WLI72), 3400 Block of Sheffield Avenue, Hammond, Indiana. Lat. 41°38'59" N., Long. 87°30'49" W. C.P. to add frequencies 11,015.0V MHz, and 10,935.0V MHz toward Chicago South, Illinois, and frequencies 10,975.0V MHz, and 10,895.0V MHz toward Gary, Indiana.

2719–C1–P–74—Same (WLI73), 504 Broadway Street, Gary, Indiana. Lat. 41°36'06" N., Long. 87°20'15" W. C.P. to add frequencies 11,545.0V MHz and 11,465.0V MHz toward Hammond, Indiana, and frequencies 6286.2V MHz, 6345.5V MHz and 6404.8V MHz toward Portage, Indiana.

2720–C1–P–74—Same (WLI74), 2.1 Miles North of Portage, Indiana. Lat. 41°36'33" N., Long. 87°11'33" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.-8V MHz toward Gary, Indiana, and frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Pinola, Indiana.

2721–C1–P–74—Same (WLI75), 2.0 Miles NW of Pinola, Indiana. Lat. 41°37'04" N., Long. 86°49'52" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Portage, Indiana, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward New Buffalo, Michigan.

2722–C1–P–74—Same (WLI76), 3.7 Miles East of New Buffalo, Michigan. Lat. 41°48'01" N., Long. 86°39'43" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Pinola, Indiana, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Buchanan, Michigan.

2723–C1–P–74—Same (WLI77), 2.1 Miles ESE of Buchanan, Michigan. Lat. 41°49'10" N., Long. 86°19'10" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward New Buffalo, Michigan, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Vandalia, Michigan.

2724–C1–P–74—MCI New York West, Inc. (WLI79), 4.6 Miles NE of Vandalia, Michigan. Lat. 41°56'35" N., Long. 85°49'53" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Buchanan, Michigan, and frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Leonidas, Michigan.

2725–C1–P–74—Same (WLI80), 2.0 Miles NNE of Leonidas, Michigan. Lat. 42°02'58" N., Long. 85°19'48" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Vandalia, Michigan, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward South Butler, Michigan.

2726–C1–P–74—Same (WLI81), 1.0 Mile East of South Butler, Michigan. Lat. 42°01'22" N., Long. 84°52'02" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Leonidas, Michigan, and frequencies 6004.5V MHz, 6063.8V MHz, and 123.1 MHz toward Vandercook, Michigan.

2727–C1–P–74—Same (WLI82), 5.6 Miles SW of Vandercook, Michigan. Lat. 42°07'21" N., Long. 84°27'19" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward South Butler, Michigan, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Bridgewater, Michigan.

2728–C1–P–74—Same (WLI83), 2.5 Miles NW of Bridgewater, Michigan. Lat. 42°11'07" N., Long. 83°56'10" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz toward Vandercook, Michigan, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Petersburg, Michigan.

2729–C1–P–74—Same (WLI84), 7.7 Miles South of Petersburg, Michigan. Lat. 41°-47'01" N., Long. 83°43'18" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Fridgewater, Michigan, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Scotch Ridge, Ohio.

2720–C1–P–74—Same (WLI86), 0.5 Mile North of Scotch Ridge, Ohio. Lat. 41°24'33" N., Long. 83°32'04" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Petersburg, Michigan, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Bascom, Ohio.

2731–C1–P–74—Same (WLI87), 2.0 Miles West of Bascom, Ohio. Lat. 41°07'40" N., Long. 83°19'25" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Scotch Ridge, Ohio, and frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Lykens, Ohio.

2732–C1–P–74—MCI New York West, Inc. (WLI88), 1.5 Miles North of Lykens, Ohio. Lat. 40°59'10" N., Long. 83°00'55" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Bascom, Ohio, and frequencies 6004.5H MHz, 6063.8H MHz, toward Shelby, Ohio.

2733–C1–P–74—Same (WLI89), 4.2 Miles West of Shelby, Ohio. Lat. 40°53'47" N., Long. 82°44'52" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Lykens, Ohio, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward New London, Ohio.

2734–C1–P–74—Same (WLI90), 1.1 Miles SSE of New London, Ohio. Lat. 41°03'40" N., Long. 82°22'37" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz toward Shelby, Ohio, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Chatham, Ohio.

2735–C1–P–74—Same (WLI91), 3.5 Miles NE of Chatham, Ohio. Lat. 41°08'26" N., Long. 81°59'22" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward New London, Ohio, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward North Royalton, Ohio.

2736–C1–P–74—Same (WLI92), 1.0 Mile NW of North Royalton, Ohio. Lat. 41°19'25" N., Long. 81°44'24" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz toward Chatham, Ohio, frequencies 6063.8H MHz, 6004.5H MHz, and 6123.1H MHz toward Bainbridge, Ohio, and frequencies 11,015.0H MHz and 10,935.0H MHz toward Cleveland, Ohio.

2737–C1–P–74—Same (WLI93), 1621 Euclid Avenue, Cleveland, Ohio. Lat. 41°30'03" N., Long. 81°40'50" W. C.P. to add frequencies 11,345.0H MHz and 11,505.0H MHz toward North Royalton, Ohio.

2738—C1–P–74—Same (WLI94), 5.5 Miles SE of Chagrin Falls, Ohio. Lat. 41°23'50" N., Long. 81°16'54" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward North Royalton, Ohio, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward Huntsburg, Ohio.

2739–C1–P–74—Same (WLI95), 3.4 Miles SE of Huntsburg, Ohio. Lat. 41°30'32" N., Long. 81°00'33" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Bainbridge, Ohio, and frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Hartford, Ohio.

2740–C1–P–74—MCI New York West, Inc. (WLJ21), 0.7 Mile SE of Hartford, Ohio. Lat. 41°18'05" N., Long. 80°33'52" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz and 6375.2H MHz toward Huntsburg, Ohio, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward Poland Center, Ohio.

2741–C1–P–74—Same (WLJ22), 1.0 Mile SE of Poland, Ohio. Lat. 41°00'45" N., Long. 80°33'20" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Hartford, Ohio, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Zelienople, Pennsylvania.

2742–C1–P–74—Same (WLJ23), 5.1 Miles North of Zelienople, Pennsylvania. Lat. 40°52'18" N., Long. 80°07'56" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Poland Center, Ohio, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Glenshaw, Pennsylvania.

2743–C1–P–74—Same (WLJ24), 7.2 Miles SW of Glenshaw, Pennsylvania. Lat. 40°37'16" N., Long. 79°53'38" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz toward Zelienople, Pennsylvania, frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Delmont, Pennsylvania, and 11,425.0H MHz and 11,505.0H MHz toward Pittsburgh, Pennsylvania.

2744–C1–P–74—Same (WLJ25), One Oliver Plaza, Pittsburgh, Pennsylvania. Lat. 40°-26'32" N., Long. 80°00'02" W. C.P. to add frequencies 11,015.0H MHz and 10,935.0H MHz toward Glenshaw, Pennsylvania.

2745–C1–P–74—Same (WLJ26), 1.4 Miles SSE of Delmont, Pennsylvania. Lat. 40°23'25" N., Long. 79°33'46" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6404.8H MHz toward Glenshaw, Pennsylvania, and frequencies 6286.2H MHz, 6345.5H MHz, and 6404.8H MHz toward Boswell, Pennsylvania.

2746–C1–P–74—Same (WLJ27), 7.0 Miles NW of Boswell, Pennsylvania. Lat. 40°13'56" N., Long. 79°06'09" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Delmont, Pennsylvania, and frequencies 6004.5V MHz, 6063.8V MHz, and 6123.1V MHz toward Reels Corner, Pennsylvania.

2747–C1–P–74—Same (WLJ28), 3.0 Miles SE of Reels Corner, Pennsylvania. Lat. 40°-02'27" N., Long. 78°46'42" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Boswell, Pennsylvania, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Martinsburg, Pennsylvania.

2748–C1–P–74—MCI New York West, Inc. (WLJ29), 3.0 Miles SE of Martinsburg, Pennsylvania. Lat. 40°17'33" N., Long. 78°-15'39" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz toward Reels Corner, Pennsylvania, and frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Butler Knob, Pennsylvania.

2749–C1–P–74—Same (WLJ30), 7.0 Miles North of Three Springs, Pennsylvania. Lat. 40°17'21" N., Long. 77°58'10" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Martinsburg, Pennsylvania, and frequencies 6197.2V MHz, 6286.2H MHz, and 6404.8H MHz toward Roxbury, Pennsylvania.

2750–C1–P–74—Same (WLJ31), 3.5 Miles WNW of Roxbury, Pennsylvania. Lat 40°-07'10" N., Long. 77°43'53" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Butler Knob, Pennsylvania, and frequencies 5974.8H MHz, 6004.5V MHz, and 6063.8V MHz toward Mount Holly, Pennsylvania.

2751–C1–P–74—Same (WLJ32), 1.5 Miles SW of Mount Holly Springs, Pennsylvania. Lat. 40°06'19" N., Long. 77°12'32" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Roxbury, Pennsylvania, and frequencies 6286.2V MHz, 6345.5V MHz, and 6404.8V MHz toward Hershey, Pennsylvania.

2752–C1–P–74—Same (WLJ33), 2.0 Miles SSW of Hershey, Pennsylvania. Lat. 40°-15'05" N., Long. 76°39'45" W. C.P. to add frequencies 6034.2H MHz, 6093.5H MHz, and 6152.8H MHz toward Mount Holly Springs, Pennsylvania, and frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Womelsdorf, Pennsylvania.

2753—C1—P—74—Same, (WLJ34), 1.3 Miles South of Womelsdorf, Pennsylvania. Lat. 40°20'09" N., Long. 76°10'50" W. C.P. to add frequencies 6256.5H MHz, 6315.9H MHz, and 6375.2H MHz toward Hershey, Pennsylvania, and frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Boyertown, Pennsylvania.

2754—C1–P–74—Same (WLJ35), 2.9 Miles West of Boyertown, Pennsylvania. Lat. 40°-19'53" N., Long. 75°41'38" W. C.P. to add frequencies 6004.5H MHz, 6063.8H MHz, and 6123.1H MHz toward Womelsdorf, Pennsylvania, and frequencies 6004.5V MHz, 6063.-8V MHz, and 6123.1V MHz toward Roxborough, Pennsylvania.

2755—C1–P–74—Same (WQQ46), 8200 Ridge Avenue, Roxborough, Pennsylvania. Lat. 40°03'33" N., Long. 75°14'20" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Boyertown, Pennsylvania.

2756–C1–P–74—MCI New York West, Inc. (WLJ41), 55 Water Street, New York City, New York. Lat. 40°42'10" N., Long. 74°00'34" W. C.P. to add frequencies 6256.5V MHz, 6315.9V MHz, and 6375.2V MHz toward Newark, New Jersey.

2757–C1–P–74—Same (WLJ40), 1801 Raymond Boulevard, Newark, New Jersey. Lat. 40°44'13" N., Long. 74°10'15" W. C.P. to add frequencies 6034.2V MHz, 6093.5V MHz, and 6152.8V MHz, toward 55 Water Street, New York, New York and frequencies 11,015.0V MHz and 10,935.0V MHz, toward New York, New York.

2758–C1–P–74—Same (WLJ42), 1301 Avenue of the Americas, New York, New York. Lat. 40°45'42" N., Long. 73°58'48" W. C.P. to add frequencies 11,425.0H MHz and 11,-505.0H MHz toward Newark, New Jersey.

6370–C1–P–65—Eastern Microwave, Inc. (KEM58), Helderberg Mountain, 1.75 Miles NW of New Salem, New York, Lat. 42°38'12" N., Long. 73°59'45" W. Application amended as follows: freq. 6182.4V, 6241.7V, and 6301.0V MHz toward Troy, N.Y., on azimuth 63°59'.

7993–C1–P–70/416–C1–P–74—Same (KEM58), Helderberg Mountain, 1.75 Miles NW of Salem, New York. Lat. 42°38'12" N., Long. 73°59'45" W. Applications amended as follows: freqs. 6241.7H and 6301.0H (7993–C1–P–70) and 11,625H and 11,305H MHz (416–C1–P–74) toward Schenectady, N.Y., on azimuth 19°54'. (INFORMATIVE: Applicant proposes not to utilize a passive repeater device in its proposed Helderberg Mtn.-Schenectady path.)

6109–C1–P–73—United Video, Inc. Change location to west side of Georgia Hwy. 17, 0.9 Mile North of U.S. Hwy. 80 intersection. Lat. 32°09'30" N., Long. 81°20'59" W. Change azimuth from 270°20' to 268°12' toward Groveland; from 107°00' to 10932' toward Savannah.

6112–C1–P–73—Same. Change location to south side of U.S. Hwy. 341, 3.6 Miles NW of Jessup, Ga. Lat. 31°38'16" N., Long. 81°57'23" W. Change azimuth from 351°22' to 348°45' toward Tison; and from 204°17' to 203°46' toward Owen.

Corrections

2569–C1–MP–74—American Telephone and Telegraph Company (KVU41), Beaumont, Pennsylvania. CORRECT File No. to Read: 2569–C1–ML–74.

2570–C1–MP–74—Same (KVU42), Ransom, Pennsylvania. CORRECT File No. to Read: 2570–C1–ML–74.

2596–C1–P–74—Same (KCB82), Brunswick, Maine. CORRECT File No. to Read: 2596–C1–ML–74.

2596–C1–MP–74—Same (WAD63), West Minot, Maine. CORRECT File No. to Read: 2570–C1–ML–74. (All other particulars same as reported on Public Notice #683, dated 1–14–74.)

2472–C1–P/L–74—South Central Bell Telephone Company (New) Baton Rouge, Louisiana. CORRECT to Read: C.P. & License for a new station on freq. 6330.7V MHz toward (KLT46) Baton Rouge, La., on azimuth 305°17'.

[FR Doc.74–2213 Filed 1–29–74;8:45 am]

[Docket No. 19927; FCC 74–53]

WEAU, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues and Notice of Apparent Liability

In re application of: WEAU, Inc., Eau Claire, Wisconsin, Docket No. 19927, File No. BRCT–129, for renewal of license for Station WEAU–TV.

1. The Commission has before it for consideration (a) the captioned application and (b) its inquiries into the operation of Station WEAU–TV, Eau Claire, Wisconsin.

2. Information before the Commission raises serious questions as to whether the applicant possesses the qualifications to be or to remain a licensee of the Commission. In view of these questions, we are unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That pursuant to Section 309(e) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(a) To determine whether, and, if so, the extent to which the applicant engaged in fraudulent billing practices or failed to exercise reasonable diligence to see that its agents and employees did not engage in fraudulent billing practices in the operation of Station WEAU–TV, in violation of Section 73.1205 of the Commission's Rules.

(b) To determine, in light of the evidence adduced under the preceding issue, whether the licensee has the requisite qualifications to be or to remain a licensee of the Commission and whether a grant of the application would serve the public interest, convenience, and necessity.

4. *It is further ordered,* That if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license of Station WEAU–TV, it shall also be determined whether the applicant has repeatedly or willfully violated § 73.1205 of the Commission's Rules.[1] If so, it shall also be determined whether an Order of Forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount should be issued for violations which occurred one year preceding the issuance of the Bill of Particulars in this matter.

5. *It is further ordered,* That this document constitutes a Notice of Apparent Liability for a forfeiture for violation of § 73.1205 of the Commission's Rules. The Commission has determined that, in every case designated for hearing involving revocation or denial of a license renewal application for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we *stress* that inclusion of this Notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

6. *It is further ordered,* That the Chief of the Broadcast Bureau shall serve upon the captioned applicant, within thirty (30) days of the release of this document, a Bill of Particulars with respect to issue (a).

7. *It is further ordered,* That the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issue (a), and that the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be and to remain a licensee of the Commission and that a grant of its application would serve the public interest, convenience, and necessity.

8. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating and intention to appear on the date fixed for the hearing and present evidence on the issue specified in this Order.

9. *It is further ordered,* That the applicant herein, pursuant to Section 311 (a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's Rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594(g) of the rules.

10. *It is further ordered,* That the Secretary of the Commission shall send a copy of this Order by Certified Mail—Return Receipt Requested to WEAU, Inc., and the Post Corporation.

Adopted: January 16, 1974.

Released: January 24, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-2413 Filed 1-29-74;8:45 am]

[1] See Bill of Particulars for specific dates and details of each alleged violation.

[2] Chairman Burch absent.

FEDERAL MARITIME COMMISSION

CITY OF NEW YORK ET AL.

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, February 11, 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 agreement (as indicated hereinafter) and the statement should indicate that this has been done.

CITY OF NEW YORK AND UNITED STATES LINES, INC.

Notice of Agreement filed by:

Stuart R. Breidbart, Esq., Office of the Corporate Counsel, United States Lines, Inc., One Broadway, New York, New York 10004.

Agreement No. T–2890, between the City of New York (City), and United States Lines, Inc. (USL), provides for USL's 30-year lease (with renewal options aggregating an additional 69 years) of portions of the Howland Hook Terminal, located at Staten Island, New York. Under the agreement, USL is required to use the facility as its principal wharf facility for all of its containerships calling at the Port of New York and use its best efforts to maximize the flow of containers and cargo through the facility. Passenger ships, however, are not permitted to use the facility without the City's prior consent in each instance. If such consent is obtained, all revenues derived from such use are to go to the Port Authority of New York and New Jersey and the City. Improvements to be made to the facility by USL include site preparation, installation of lighting and paving, construction of a maintenance and repair facility for containers, construction of a cargo consolidation shed, acquisition of an additional crane, and the completion of certain structures. As compensation, the City is to receive (a) $2,200,000 annually as base rental plus 10 cents per square foot per year for an additional parcel of land; (b) 1/30th annually of all amounts owed the City by USL as rent, deferred maintenance, repair and dredging under its lease for Piers 59, 60, 61, 62, and 76 (FMC Agreement No. T–757 as amended) plus interest; (c) 8.181 percent annually of the actual cost of construction of improvements to the facility; and (d) any amounts paid or payable after October 31, 1973 with respect to claims by third parties for payment of construction costs for work done under FMC Agreement No. T–757, as amended. The agreement grants USL the right to sublease portions of the leased premises to American Export Lines, Inc., and other maritime concerns.

By Order of the Federal Maritime Commission.

Dated: January 28, 1974.

FRANCIS C. HURNEY, *Secretary.*

UNITED STATES LINES, INC., AMERICAN EXPORT LINES, INC., AND TRANSOCEAN GATEWAY CORPORATION

Notice of Agreement filed by:
Stuart R. Breidbart, Esq., Office of the Corporate Counsel, United States Lines, Inc., One Broadway, New York, New York 10004.

Agreement No. T-2891, between United States Lines, Inc. (USL), American Export Lines, Inc. (AEL), and Transocean Gateway Corporation (TOG), is an occupancy permit providing for TOG's interim use of a portion of the Howland Hook Terminal leased to USL under FMC Agreement No. T-2890. TOG, an affiliate of AEL, is presently furnishing AEL terminal and stevedoring services at the facility. The purpose of this occupancy permit is to allow TOG to continue furnishing these services to AEL (as well as to USL, once it starts calling at the facility), minimize disruption in AEL's operations, and provide for a smooth transition during the period from the effective date of FMC Agreement No. T-2890 until such time as AEL and USL establish and obtain FMC approval for a jointly owned company to furnish terminal and stevedoring services for both carriers at the facility. As compensation, USL is to receive $1,100,000 annually plus one-half of the cost of insurance required by FMC Agreement No. T-2890. Once USL starts calling at the facility, TOG will bill USL and AEL 50 percent each of all rental payments paid by TOG under its equipment rental leases for the four container cranes located at the facility. The agreement also provides that TOG will conduct its operations at the terminal during this interim period in such a manner as not to violate the terms and provisions of FMC Agreement No. T-2890.

By Order of the Federal Maritime Commission.

Dated: January 28, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-2598 Filed 1-29-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8593]

ALABAMA POWER CO.

Notce of Filing of Service Agreement

JANUARY 23, 1974.

Take notice that on January 11, 1974, Alabama Power Co. (Alabama) tendered for filing a service agreement between Alabama and the City of Fairhope. Alabama states that the service agreement is filed pursuant to the company's rate schedule MUN-1.

Alabama states that the City of Fairhope has requested delivery voltage be changed from 44,000 to 110,000 volts. The company requests that the effective date of the service agreement be the same as the date the change in delivery voltage is effected.

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 February 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2422 Filed 1-29-74;8:45 am]

[Docket No. RI74-54]

ATLANTIC RICHFIELD CO.

Notice of Petition for Special Relief

JANUARY 23, 1974.

Take notice that on October 18, 1973, Atlantic Richfield Co. (Petitioner), P.O. Box 2819, Dallas, Texas 75221, file a petition for special relief in Docket No. RI74-54, pursuant to Order Nos. 481 and 482. Petitioner proposes to develop new reserves and increase deliverability. Petitioner seeks a price of 26.75 cents per Mcf at 15.025 psia for the sale of gas to Michigan Wisconsin Pipeline Co. under its FPC Gas Rate Schedule No. 284 from wells drilled and reworked under its proposal in the Bayou Sale Field, St. Mary Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition should on or before February 7, 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 party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2423 Filed 1-29-74;8:45 am]

[Docket No. RP73-65]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JANUARY 24, 1974.

Take notice that Columbia Gas Transmission Corp. (Columbia), on January 14, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes to be effective March 1, 1974, provide purchased gas adjustments to recover increased costs of gas purchased of $35,141,417 annually, and surcharges to recover $2,970,150 of deferred purchased gas costs over the six-month period March, 1974, through August, 1974. Such surcharge includes a credit in order to reflect a refund received from Texas Eastern Transmission Corporation on December 10, 1973, of $3,051,896. In the event that the Commission should deny Columbia's request of December 21, 1973, to reflect the aforesaid Texas Eastern refund in Account 191, Columbia also filed an alternate tariff sheet which reflects the removal of such refund from Account 191 (Unrecovered Purchased Gas Costs Account).

According to Columbia, copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 11, 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.74-2424 Filed 1-29-74;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

JANUARY 23, 1974.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on January 8, 1974, tendered for filing Seventh Revised Sheet No. 3A and Seventh Revised PGA-1 to its FPC Gas Tariff, Original Volume No. 1 to become effective February 1, 1974. The proposed changes would increase revenues from jurisdictional sales and service by approximately $220,801 annually based on sales for the 12-month period ending November 30, 1973.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff, Eastern Shore proposes to increase the demand charges and commodity or delivery charges in its rate schedules CD-1, CD-E, G-1, PS-1, GSS-1, LGA, E-1 and I by amounts equivalent to the increases in the similar rates of its supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's general rate increase filed in Docket No. RP74-48 on December 17, 1973, to be effective February 1, 1974. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.22 of the General Terms and Conditions of its Tariff, to the extent necessary, to permit the proposed tariff sheets to become effective

as of February 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes, or on such later date on which Transcontinental's rate changes may become effective after suspension, if any.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2425 Filed 1-29-74;8:45 am]

[Docket No. RP72-134]

EASTERN SHORE NATURAL GAS CO.

Notice of Purchased Gas Cost Adjustment to Rates and Charges

JANUARY 23, 1974.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on January 3, 1974, tendered for filing 1st Substitute Fifth Revised Sheet No. 3A and 1st Substitute Fifth Revised PGA-1 to its FPC Gas Tariff Original Volume No. 1, to become effective December 1, 1973, and Sixth Revised Sheet No. 3A and Sixth Revised PGA-1 to become effective January 1, 1974. The December 1 proposed changes would decrease revenues from jurisdictional sales and service by approximately $29,200 based on the 12 month period ending November 30, 1973. The January 1 proposed changes will increase the commodity or delivery charges in its rates by 2.3¢ per Mcf and will increase revenues from jurisdictional sales by approximately $57,800 based on the same 12-month period.

Eastern Shore states that each of the proposed tariff changes, filed herewith pursuant to the Purchased Gas Adjustment Clause contained in its tariff, provide for lower rates than prior "trackings" heretofore filed to be effective as of the same dates; that such sheets reflect the changes in rates contained in the amended settlement filed by its supplier Transcontinental Gas Pipe Line Corporation in Docket No. RP73-69 on December 21, 1973; and that upon acceptance of the January 1 tariff sheets to be effective as of that date, its proposed Fifth Revised Sheet No. 3A and Fifth Revised PGA-1 filed December 3, 1973, may be deemed withdrawn. Eastern Shore requests waiver of the notice requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, to the extent necessary to permit the proposed tariff sheets to become effective as of December 1, 1973, and January 1, 1974, respectively, to coincide with the proposed effective dates of Transco's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 1, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2426 Filed 1-29-74;8:45 am]

[Docket No. RP74-50-2]

FLORIDA GAS TRANSMISSION CO. AND WENCZEL TILE CO. OF FLORIDA, INC.

Notice of Petition for Extraordinary Relief

JANUARY 23, 1974.

Take notice that on January 17, 1974, Wenczel Tile Co. of Florida, Inc. (Petitioner) filed a petition, pursuant to § 1.7 of the Commission's rules of practice and procedure, for extraordinary relief from the curtailment provisions of Florida Gas Transmission Company's (Florida Gas) FPC Gas Tariff, Original Volume No. 1, requesting that the Commission order Florida Gas to furnish it 2,500 therms of natural gas per day under its preferred interruptible contract without curtailment in addition to the 820 therms of natural gas per day being supplied under its firm service agreement.

In support of its petition for emergency relief, Petitioner states that its plant in Tampa, Florida, utilizes natural gas purchased from Florida Gas to produce glazed ceramic tile by heating raw materials in three kilns. It purchases gas under its firm service contract for use in one kiln that can utilize only natural gas or propane. It purchases gas for its other two ceramic tile kilns, which can use natural gas, propane, or kerosene, under a preferred interruptible contract pursuant to which Florida Gas has been supplying 2,500 therms of gas per day, except during periods of curtailment. It claims a need for those 2,500 therms plus its daily firm volumes of 820 therms to keep its plant in production. Petitioner has been notified that gas under its preferred interruptible contract with Florida Gas would be subject to complete curtailment for an estimated aggregate of 177 days during 1974.

Petitioner further contends that Florida Gas' curtailment policy is inconsistent with the priorities of service enunciated in the Commission's policy statement in Order No. 467-B, issued March 2, 1973. That inconsistency is reflected especially in Florida Gas' conferral of blanket priority to its resale customers over its direct customers.

Petitioner asserts that its ability to obtain kerosene in the requisite quantities is threatened by the current fuel crisis, thereby raising the possibility that it will not have sufficient fuel to continue in operation. In the event that such results in the closing of the Tampa plant, the effect on its employees and distributors, according to Petitioner, will be severe.

Petitioner states that the procedure reached with Florida Gas for emergency relief in the form of credits for additional voluntary curtailments when kerosene is available is not adequate because credits are not allowed against more than 30 days' future curtailment.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 1, 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 in accordance with the Commission's Rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2427 Filed 1-29-74;8:45 am]

[Docket No. CP74-184]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Application

JANUARY 24, 1974.

Take notice that on January 8, 1974, Mississippi River Transmission Corp. (Applicant), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP74-184 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain existing facilities and for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline facilities, all as more fully set forth in the application which is on file

with the Commission and open to public inspection.

Applicant proposes to construct in Jackson County, Arkansas, on its Main Line System, near its Tuckerman Compressor Station, approximately 4.6 miles of a 26-inch pipeline loop and related facilities and to abandon its Biggers No. 1 Station, with its seven 1,000 horsepower compressor units, in Randolph County, Arkansas.

Applicant states that the proposed abandonment involves the retirement of certain of the oldest compressors on Applicant's system and that the abandonment and construction will result in improvements in the operating dependability and efficiency of Applicant's systems thereby reducing the system's fuel gas requirements. Construction of the pipeline is intended to enable Applicant to maintain the present delivery capacity of its system after retirement of the compressors.

It is stated that the program proposed herein would involve no change in Applicant's sales volume or affect its system capacity. It is also stated that the estimated cost of the construction proposed herein will be $934,350 and will be financed from available funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 15, 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 rules of practice and procedure (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-2428 Filed 1-29-74;8:45 am]

[Docket No. RP74-59]

NORTH PENN GAS CO.

Notice of Proposed Changes in Rates and Charges

JANUARY 25, 1974.

Take notice that North Penn Gas Co. (North Penn) on January 17, 1974, tendered for filing First Revised Volume No. 1 and section 3 of its Service Agreement of June 8, 1972, with Corning Natural Gas Corp. (Corning), Eleventh Revised Sheet No. PGA-1, Alternate Revised Sheet No. PGA-1, and Exhibits L and M of § 154.63. North Penn requests a rate increase under Eleventh Revised Sheet No. PGA-1 to include in the rate to Corning the effect of the Gross Receipts Tax imposed by the Commonwealth of Pennsylvania. The rate includes recovery of the tax for the years 1972 and 1973 over a two-year period, and the Company proposes that the increase be effective as of February 1, 1974.

North Penn is submitting Alternate Eleventh Revised Sheet No. PGA-1 for filing only if Eleventh Revised Sheet No. PGA-1 is not accepted for filing. The Alternate Sheet provides a surcharge to collect only those taxes paid after the effective date of February 1, 1974. If the Company's Eleventh Revised Sheet No. PGA-1 is not accepted for filing, North Penn requests a hearing on the question of recovery of the tax for the years 1972 and 1973.

North Penn also requests waiver of the notice requirements of the Commission's rules and regulations to permit the surcharge under either Eleventh or Alternate Eleventh Revised Sheets PGA-1 to become effective as of the date of the filing.

According to the Company, service has been made on the purchaser and the Public Service Commission of the State of New York.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before January 30, 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.74-2512 Filed 1-29-74;8:45 am]

[Project No. 2517]

POTOMAC EDISON CO. OF WEST VIRGINIA

Notice of Application for New License (Minor)

JANUARY 23, 1974.

Public notice is hereby given that application for new minor license was filed September 28, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by The Potomac Edison Co. of West Virginia (Correspondence to: Mr. William H. MacMullen, Secretary, The Potomac Edison Co. of West Virginia, Downsville Pike, Hagerstown, Maryland 21740) for its constructed Project No. 2517, known as the Dam No. 5 Hydro-Station, located on the Potomac River, near the Towns of Hedgesville and Martinsburg, in Berkeley County, West Virginia. The project affects a government dam and navigable waters of the United States.

According to the application, the existing "run-of-the-river" project derives its water supply from a U.S. Government dam through agreement with the U.S. Department of the Interior, National Park Service. The project has an installed capacity of 1120 kW and consists of: (1) A head race approximately 40 feet by 80 feet; (2) a 40 feet by 80 feet reinforced concrete and brick powerhouse which contains two 560 kW vertical generating units; (3) tailrace; and (4) appurtenant facilities.

Under the minor license for Project No. 2517 (41 FPC 395), which expired December 31, 1973, sections 14 and 15 of the Federal Power Act insofar as they relate to takeover and relicensing proceedings have been waived. The project currently operates under annual license for the period January 1 to December 31, 1974.

Applicant contemplates no recreational development at the site due to its private access, small size, steep topography, and the close proximity of its shoreline to the hydroelectric plant intake.

Any person desiring to be heard or to make protest with reference to said application should on or before March 25, 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.74-2429 Filed 1-29-74;8:45 am]

[Docket No. RP74-54]

TENNESSEE NATURAL GAS LINES, INC.

Order Waiving Notice Requirements and Accepting Tariff Provisions Relating to Curtailment Plan

JANUARY 18, 1974.

On December 20, 1973, Tennessee Natural Gas Lines, Inc., (T-N) tendered for filing 10 tariff sheets[1] as proposed

[1] First Revised Sheet No. 21; Original Sheet No. 21-A; Third Revised Sheet No. 24; and Original Sheet Nos. 24-A, 24-B, 24-C, 24-D, 24-E, 24-F and 24-G.

changes to its FPC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets set forth the proposed curtailment procedures of T–N and purport to be consistent with Commission policy set forth in Order Nos. 431 and 467–B in Docket Nos. R–418 and R–469, respectively, including the modification to Priority-of-Service Category 2 as prescribed by the Commission in Opinion No. 647–A. An effective date of January 1, 1974, is requested.

Although T–N's proposed curtailment plan is in basic conformity with Commission guidelines set forth in Order No. 467–B, the plan does include other provisions such as an overrun penalty charge for volumes taken in excess of those specified under curtailment procedures.

The proposed plan incorporates the same priority of service categories as set forth in Order No. 467–B, with the exception that firm industrial sales of up to 300 Mcf per day are included in Priority 2 as permitted by the Commission in Opinion No. 647–A. In addition, T–N also proposes to have an Unauthorized Overrun Penalty Provision which provides for a charge of $10 per Mcf for volumes taken in excess of the curtailment period quantity entitlement. T–N does not propose to redistribute any such collection to those customers which may have been adversely affected by unauthorized overruns.

Since T–N's proposed curtailment plan complies with Commission policy as stipulated in Order No. 467–B, we will accept T–N's plan without suspension. Additionally, T–N states that Tennessee Gas Pipeline, a Division of Tenneso, Inc. (Tennessee), its sole supplier of natural gas, will begin curtailing deliveries to it on January 1, 1974. Good cause therefore exists to waive the notice requirements pursuant to § 154.51 of the Commission's rules of practice and procedure.

The Commission finds. (1) Good cause exists to accept Tennessee-Natural's curtailment plan, filed on December 20, 1973, without suspension, to become effective on January 1, 1974.

(2) Good cause has been shown to waive the notice requirements, under § 154.51 of the Commission's rules of practice and procedure.

The Commission orders. (A) Tennessee-Natural's curtailment plan, filed on December 20, 1973, is hereby accepted without suspension to become effective on January 1, 1974; furthermore the notice requirements are hereby waived pursuant to § 154.51 of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2430 Filed 1–29–74;8:45 am]

[Docket No. E–8592]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Contract Supplement

JANUARY 23, 1974.

Take notice that on January 11, 1974, Virginia Electric and Power Co. (VEPCO) filed with the Federal Power Commission, pursuant to Part 35 of the Regulations under section 205 of the Federal Power Act, a contract supplement, dated December 2, 1973, to the agreement designated as Virginia Electric and Power Co. Rate Schedule FPC No. 90–18 between VEPCO and Edgecombe-Martin County Electric Membership Corp. According to VEPCO, the supplement requests Commission authorization for a change in transformer capacity from 1.5 MVA to 3.75 MVA. VEPCO states that the change in transformer facilities for Wiggins Crossroads Delivery Point, located on the southside of Route 1003, approximately 500 feet west of Cokey Swamp, Edgecombe County, North Carolina, was completed January 28, 1970.

VEPCO requests that the authorization become effective on January 28, 1970.

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 February 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2431 Filed 1–29–74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Alabama, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of The Sand Mountain Bank, Boaz, Alabama. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 18, 1974.

Board of Governors of the Federal Reserve System, January 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–2368 Filed 1–29–74;8:45 am]

AMERICAN FLETCHER CORP.

Order Approving Acquisition of Charge-It of Florida, Inc.

American Fletcher Corporation, Indianapolis, Indiana, 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 indirectly acquire through its wholly-owned subsidiary, Shoppers Charge Service, Inc., ("Shoppers") all of the assets of Charg-it of Florida, Inc., Coral Gables, Florida ("Company"). Company engages in the activities of issuing credit cards to individuals, and purchasing from merchants, and servicing, accounts receivable arising from credit sales of merchandise to persons who use the credit cards in purchasing such merchandise. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

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 32004). 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 public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank with total deposits of $1.1 billion, representing about 8½ percent of the total deposits of commercial banks in Indiana.[1] Applicant's lead bank is a franchise issuer of "Master Charge" credit cards and as such maintains agency agreements with 41 banks located in Indiana. Applicant's subsidiary, Shoppers, conducts a credit cards business in Indianapolis, Cincinnati, St. Louis, Houston, and Minneapolis and had total outstandings of $25 million as of December 31, 1972.

As of March 31, 1973, Company had total receivables of $1.6 million. Company's total receivables had declined substantially over the past three years primarily due to the ill health of the manager-owner of Company.

There is no existing competition between Shoppers or Applicant's lead bank and Company in the market for credit cards. Shoppers' credit cards are generally confined to the Midwest and are not available in Florida while Applicant's lead bank's credit card operations are confined to Indiana. Company's general area of operations is on the east coast of Florida around the Miami area and to a certain extent in the area surrounding Orlando in the central part of Florida. In light of Applicant's financial resources, Applicant could possibly enter the credit card business in Florida on a *de novo* basis. However, in none of the relevant geographic markets does Company's receivables represent more than 1 percent of the total credit card outstandings in such areas. Acquisition of Company by Applicant could best be characterized as a foothold acquisition

[1] All banking data are as of June 30, 1973.

and would not have a substantially adverse effect on future competition.

Moreover, Applicant's acquisition of Company should provide probable public benefits by enabling Company to expand and to provide increased service and competition in its relevant market areas by reversing its declining state. Additionally, Applicant plans to change Company's accounting system from a nonautomated to an automated one, which should result in increased efficiencies of operation. Applicant also plans to change Company's credit cards to Shoppers' cards thereby enabling holders of the card to expand the geographic areas in which such cards may be used.

There is no evidence in the record indicating that consummation of the proposal will result in unfair competition, conflicts of interest, unsound banking practices, or undue concentration of resources. Based on 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 ensure 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 Chicago.

By order of the Board of Governors,[2] effective January 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-2369 Filed 1-29-74;8:45 am]

CHASE MANHATTAN CORP.

Order Approving Acquisition of Berkeley Credit Corporation to Engage in Commercial Financing

The Chase Manhattan Corporation, New York, New York, 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, for permission to engage *de novo* in the activity of commercial financing through a subsidiary known as Berkeley Credit Corporation, New York, New York ("Berkeley Credit"). Such activity has been determined by the Board to be closely related to 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 29536). 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 public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls the Chase Manhattan Bank, New York, New York ("Bank"), and six other banking subsidiaries, holding aggregate deposits of approximately $16.4 billion, representing about 15 per cent of the deposits in commercial banks in New York.[1] It is the largest bank holding company in the State and the second largest nationally in terms of domestic deposits. Through its nonbanking subsidiaries, Applicant is engaged in loan production and servicing, mortgage banking, the ownership of banking premises, acting as investment advisor, and providing economic information. In addition, Bank is engaged in factoring as a result of Bank's acquisition in January, 1969, of Shapiro Brothers Factors Corporation ("Shapiro") under authority granted by the Comptroller of the Currency.[2]

Commercial financing, as distinguished from factoring, is a traditional banking service involving the financing of accounts receivable on a non-notification basis.[3] This type of financing entails the provision of revolving credit to manufacturing firms on the security of the assignment of their open trade accounts receivable. Customers of the manufacturer are not notified of the assignment of their accounts and thus the finance company has recourse only against the manufacturer who accepts all credit risks involved. Accordingly, it is the Board's view that the financing of accounts receivable on a non-notification basis constitutes a separate and distinct product market within which the present proposal should be analyzed.

Applicant proposes to establish Berkeley Credit *de novo* at offices in Atlanta, Boston, and New York.[4] Inasmuch as the geographic market for receivables financing is limited to fairly small regions because of the need for the finance company to make on-the-spot audits of each client, it would appear that the markets involved in the present proposal involve the New York area market (consisting of Eastern New York State, plus Fairfield County, Connecticut, and the 12 northerly counties of New Jersey), the New England market (consisting of all of New England except Fairfield County, Connecticut), and the Atlanta area market (approximated by the States of Georgia and Alabama). As noted, the previously acquired Berkeley Service performs the role of a "loan production office" for Applicant in Boston. At the time of its acquisition, Berkeley Service had approximately $9 million of commercial financing receivables outstanding. It is estimated this volume represented less than 1 per cent of the total commercial finance outstandings generated by independent commercial finance companies in the New England-New York area serviced by Berkeley Service.[5] The Board concludes that only minimal existing competition and but a limited amount of potential competition would be eliminated by the *de novo* establishment of Berkeley Credit's Boston or New York offices as there are approximately 30 receivables financing firms in the New England market and over 50 suppliers of receivables financing in the New York area market. The *de novo* establishment of the Atlanta office would add a new decision-maker in a market in which Applicant is not presently represented and would, theretofore, be procompetitive.

As of year end 1968, the combined receivables loans outstanding of Shapiro and Berkeley Service were approximately $13.5 million, of which $5 million were originated in the New York market and $8.5 in the New England area. As of year end 1972, the combined receivables loans outstanding of Shapiro (as a division of Bank) and Berkeley Service had increased to approximately $24 million. In view of the fact that the total outstandings of the receivables financing industry are an estimated $4 billion, it does not appear that Applicant's *de novo* establishment of receivables financing offices would create, or have the potential for, an undue concentration of resources in any of the above-described markets proposed to be served by Applicant.

Many of the established commercial finance companies with which Berkeley Credit will be competing have much larger commercial finance operations. However, the offices proposed to be opened by Applicant may be expected to provide effective competition to such companies by integrating the origination, lending and servicing functions of receivables financing. In addition, Berkeley Credit's local presence in each of

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

[2] Shapiro's corporate existence was terminated shortly after its acquisition by Bank, and its factoring business is now conducted through a division of Bank known as the Factor and Finance Division. A wholly-owned subsidiary of Shapiro, Berkeley Finance Corporation ("Berkeley Service"), Boston, Massachusetts, is a loan production office for Bank engaged in the financing of accounts receivable. It became a direct subsidiary of Applicant on December 30, 1970, by means of a dividend from Bank.

[3] Factoring is distinguished from receivables financing in that the accounts receivable of the client are not used as collateral for loans but are purchased by the factor without recourse to the client.

[4] Prospective borrowers are expected to include concerns engaged in the manufacture and distribution at wholesale and retail levels of various types of products, including shoes, clothing, machine tools, food, drugs, and chemicals.

[5] The outstandings of Berkeley Service would, of course, constitute an even smaller percentage of total commercial finance outstandings if the outstandings of banks and their subsidiaries were included.

these markets will enable it to work closely with borrowing companies and analyze their financial condition in a more thorough manner in order to provide appropriate financing assistance in the shortest possible time. Thus the public may be expected to benefit both from the increased competition afforded through the establishment of *de novo* offices and the improved services that may reasonably be anticipated from such offices.

There is no evidence in the record to indicate that the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. 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(e) 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.

On the basis of the record, the application to acquire Berkeley Credit is approved for the reasons summarized above. The acquisition of Berkeley Credit shall be consummated 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 New York.

By order of the Board of Governors,[*] effective January 23, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-2370 Filed 1-29-74;8:45 am]

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, 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 per cent of the voting shares of the successor by merger to Merchants and Farmers Bank, Portsmouth, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 20, 1974.

Board of Governors of the Federal Reserve System, January 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2371 Filed 1-29-74;8:45 am]

FBT BANCORP, INC.

Proposed Acquisition of Cromwell Capital Corp.

FBT Bancorp, Inc., South Bend, Indiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Cromwell Capital Corporation, Plymouth, Indiana. Notice of the application was published in newspapers of general circulation in the communities to be served.

Applicant states that the proposed subsidiary would engage in the activities of making, acquiring or servicing of loans or other extensions of credit for personal, family, household, or commercial purposes; and the sale of credit life, and credit accident and health insurance directly related to such extensions of credit. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 18, 1974.

Board of Governors of the Federal Reserve System, January 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2372 Filed 1-29-74;8:45 am]

TENNESSEE VALLEY BANCORP, INC.

Acquisition of Bank

Tennessee Valley Bancorp, Inc., Nashville, 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 100 percent of the voting shares (less directors' qualifying shares) of The National Bank of Union City, Union City, Tennessee, the proposed successor by merger to Old & Third National Bank of Union City, Union City, Tennessee. 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 Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than February 19, 1974.

Board of Governors of the Federal Reserve System, January 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2373 Filed 1-29-74;8:45 am]

ALLIED BANCSHARES, INC.

Order Approving Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, 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 of the voting shares, less directors' qualifying shares, of the successor by merger to Fairbanks Bank of Houston, Houston, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board, has considered the appplication in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls three banks with total deposits of $441.9 million, representing 1.27 percent of total deposits in commercial banks in the State of Texas, and Applicant is the eleventh largest multibank holding company in the state.[1] Applicant also has obtained the approval of the Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors, to acquire Clear Creek Bank, Seabrook, Texas, and Deer Park Bank, Deer Park, Texas, both located in the Houston banking market, and to acquire First National Bank of Crockett, Crockett, Texas. Approval of the present proposed acquisition would not produce a significant increase in the

[*] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Brimmer, Sheehan, Bucher, and Holland.

concentration of banking resources in Texas.

Bank is situated in Houston, Texas, within the banking market approximated by the Houston SMSA. Bank has deposits of $15.3 million or .1 percent of market deposits and a nominal share of statewide deposits. Approval of the proposed transaction would have no adverse effects on competition. Although Applicant currently controls two banking subsidiaries within the Houston market, and has obtained approval of its application to acquire Clear Creek Bank, Seabrook, Texas, and Deer Park Bank, Deer Park, Texas, also within the Houston market, Applicant's share of the Houston market as a result of these acquisitions and the present acquisition would only rise to 4.9 percent, and Bank's service area does not overlap with the service areas of any of Applicant's current or propsed subsidiaries in the market. The nearest current subsidiary is located 12½ miles from Bank, and the Clear Creek and Deer Park Banks are each situated 14 miles from Bank. The distances involved and the number of competing banking organizations and banks in the relevant areas effectively negate the foreclosure of any existing competition among the subsidiaries and, with Texas' prohibition of branch banking, make future development of such competition extremely unlikely. Bank's relatively small size and nature as a suburban retail institution as well as the existence of significant numbers of independent banks remaining as attractive entry vehicles also prevent significant adverse effects on competition.

The financial and managerial resources and future prospects of Bank and of Applicant and its present subsidiary banks are regarded as generally satisfactory and consistent with approval particularly in light of Applicant's agreement to inject $300,000 of additional capital funds into Bank. Considerations relating to the convenience and needs of the community to be served lend weight toward approval of the application. Applicant's financial strength and banking expertise will permit Bank to offer expanded services in the forms of larger loans, international marketings, and trust services to its customers. It is the judgment of the Federal Reserve Bank of Dallas that the consideration of the statutory factors reflects that the transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Dallas approves the application, provided that 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, 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 Federal Reserve Bank of Dallas, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective January 18, 1974.

[SEAL] ROBERT H. BOYKIN,
Secretary.

[FR Doc.74-2446 Filed 1-29-74;8:45 am]

[1] All deposit figures are as of June 30, 1973, and bank holding company statistics reflect acquisitions and formations approved by the Board of Governors to the date of July 15, 1973.

BANK OF VIRGINIA CO.

Proposed Retention of Cavanagh Leasing Corp.

Bank of Virginia Company, Richmond, Virginia, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of Cavanagh Leasing Corporation through its wholly-owned subsidiary, BankVirginia, Financial, Inc., Richmond, Virginia. Notice of the application was published on various dates in newspapers of general circulation in cities in which offices of subsidiaries of Cavanagh Leasing Corporation are located.

The subsidiaries are located in New York, Florida, California, Illinois, Pennsylvania, Maryland, New Jersey, Ohio, Virginia, Georgia, Missouri, Alabama, Washington, Oregon, Tennessee and Arizona.

Applicant states that the proposed subsidiary would engage in the activities of term financing using full payout lease contracts on a net basis, or using conditional sales contracts and security agreements, secured and unsecured commercial financing, including but not limited to, providing guarantees of letters of credit and issuing letters of guaranty of any kind; and vehicle leasing on a full payout basis. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than February 17, 1974.

Board of Governors of the Federal Reserve System, January 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2447 Filed 1-29-74;8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Banks

First at Orlando Corporation, Orlando, 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 not less than ninety percent of the voting shares of Coconut Grove Bank, Miami, Florida ("Miami Bank") and Sunshine State Bank, South Miami, Florida ("South Miami Bank"), referred to as "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; the applications and comments have been considered in light of the factors set out in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest holding company in Florida and controls thirty-five existing and approved subsidiary banks with total commercial bank deposits of $1,300.8 million. (Banking data are as of December 31, 1972 unless otherwise indicated, and reflect acquisitions approved by the Board through December 1, 1973.) The acquisition of Miami Bank, with deposits of $49.2 million and South Miami Bank, with deposits of $1.4 million (both as of October 17, 1973), will cause no significant increase in Applicant's 6.5 percent share of total commercial bank deposits in Florida banks and will not change its rank in size.

The Banks are located in the Greater Miami banking market, consisting of Dade County and part of Broward County south of Fort Lauderdale. Applicant is the eighth largest organization in the market, in which forty-one banking organizations control 101 banks. The proposed acquisition of Banks would increase Applicant's share of market deposits from 3.68 percent to 4.71 percent and its rank in size would remain unchanged. Applicant has six subsidiary banks located within fifteen miles of Banks but their competition with Banks is not considered to be significant. Furthermore, in view of the congested traffic and the large number of competing banks and financial institutions in Banks' immediate area, it is unlikely that competition between Banks and Applicant's subsidiary banks will increase in the future.

The Banks are closely affiliated through common stock ownership and management; they do not compete with each other and it is not likely that their affiliation would be severed in the future. The proposed acquisitions will not give Applicant a dominant position in the market, and will have no adverse competitive effects.

Considerations relating to the financial and managerial resources and future prospects of the Applicant, its banking subsidiaries and Banks are regarded as generally satisfactory and consistent with approval, in view of Applicant's commitment to inject equity capital in those subsidiaries having low to moderately low capital bases.

Although there is no evidence in the record to indicate that the banking needs of the area are not being adequately served, the proposed acquisition of Banks would result in an increased range of banking services to the community. Applicant proposes to offer FHA and VA mortgage financing at Banks, full trust services, investment advisory services, computer services, and improved international services at Miami Bank. Convenience and needs factors lend weight toward approval.

It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the applications should be approved. On the basis of the record herein, the applications are approved for the reasons summarized above. The transactions 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 date of this Order, unless such period is extended for good cause by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective January 18, 1974.

[SEAL] ARTHUR H. KANTNER,
Senior Vice President.

[FR Doc.74-2445 Filed 1-29-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CAMP FORK FUEL CO. ET AL.

Electric Face Equipment Standard; Opportunity for Public Hearing Regarding Applications for Initial Permits

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. 4250-000, Camp Fork Fuel Company, Mine No. 3, Mine ID No. 15 02398 0, Elkhorn City, Kentucky.

(2) ICP Docket No. 4252-000, Rex Mining Company, Mine No. 1, Mine ID No. 40 00300 0, LaFollette, Tennessee.

(3) ICP Docket No. 4253-000, Peggs Run Coal Company, Inc., Peggs Run No. 2 Mine, Mine ID No. 36 01057 0, Shippingport, Pennsylvania.

(4) ICP Docket No. 4255-000, Kentland-Elkhorn Coal Corporation, Kentland No. 3 Mine, Mine ID No. 15 02104 0, Mouth Card, Kentucky.

(5) ICP Docket No. 4256-000, Kentland-Elkhorn Coal Corporation, Feds Creek No. 2 Mine, Mine ID No. 15 02500 0, Mouth Card, Kentucky.

(6) ICP Docket No. 4257-000, Kentland-Elkhorn Coal Corporation, Feds Creek No. 1 Mine, Mine ID No. 15 02097 0, Mouth Card, Kentucky.

(7) ICP Docket No. 4258-000, Pigeon Branch Coal Company, Mine No. 7, Mine ID No. 44 01679 0, Bishop, Virginia.

(8) ICP Docket No. 4260-000, Harold E. Brocious Coal Company, Brocious Mine, Mine ID No. 36 01016 0, Timblin, Pennsylvania.

(9) ICP Docket No. 4263-000, T & S Coal Company, Mine No. 1, Mine ID No. 44 01523 0, Harman, Virginia.

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 on or before February 14, 1974. 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.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 24, 1974.

[FR Doc.74-2357 Filed 1-29-74;8:45 am]

H & V COAL CO. ET AL.

Electric Face Equipment Standard; Opportunity for Public Hearing Regarding Applications for Initial Permits

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. 4244-000, H & V Coal Company, Mine No. 5, Mine ID No. 15 02795 0, Pinetop, Kentucky.

(2) ICP Docket No. 4245-000, J. K. Thomas Coal Company, Mine No. 8, Mine ID No. 46 00468 0, Charleston, West Virginia.

(3) ICP Docket No. 4246-000, Grundy Mining Company, Gray's Creek No. 21 Mine, Mine ID No. 40 00524 0, Whitwell, Tennessee.

(4) ICP Docket No. 4247-000, Chestnut Coal Company, Chestnut No. 23 Mine, Mine ID No. 40 00578 0, Whitwell, Tennessee.

(5) ICP Docket No. 4248-000, Walnut Coal Company, Walnut No. 25 Mine, Mine ID No. 40 00579 0, Palmer, Tennessee,

(6) ICP Docket No. 4249-000, Loftis Coal Company, Inc., Loftis No. 1 Mine, Mine ID No. 15 02114 0, Toler, 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 on or before February 14, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 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.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 24, 1974.

[FR Doc.74-2356 Filed 1-29-74;8:45 am]

THEODORE SPEWOCK COAL CO. ET AL.

Electric Face Equipment Standard; Opportunity for Public Hearing Regarding Applications for Initial Permits

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. 4155-000, Theodore Spewock Coal Company, Clark Hollow Mine, Mine ID No. 36 016030 0, Ligonier, Pennsylvania.

(2) ICP Docket No. 4222-000, Little Elkhorn Coal Company, Little Elkhorn #3 Mine, Mine ID No. 15 04075 0, Van Lear, Kentucky.

(3) ICP Docket No. 4224-000, Ed Potter Coal Company, Mine No. 2, Mine ID No. 44 01516 0, Hurley, Virginia.

(4) ICP Docket No. 4225-000, Mary E Coal Company, Inc., Mine No. 2, Mine ID No. 44 00526 0, Whitewood, Virginia.

(5) ICP Docket No. 4226-000, Hobbs Brothers Coal Company, Inc., Mine No. 15, Mine ID No. 44 00593 0, Whitewood, Virginia.

(6) ICP Docket No. 4227-000, Dorothy Mae Coal Company, Mine No. 16, Mine ID No. 44 01904 0, Keen Mountain, Virginia.

(7) ICP Docket No. 4228-000, Island Creek Coal Company, Gund Mine No. 2, Mine ID No. 15 02429 0, Turkey Creek, Kentucky.

(8) ICP Docket No. 4229-000, Potter Mining Company, Inc., Mine No. 23, Mine ID No. 15 03079 0, Fedscreek, Kentucky.

(9) ICP Docket No. 4231-000, Earl Patton Coal Company, Inc., Birch #1A Mine, Mine ID No. 40 00366 0, Whitwell, Tennessee.

(10) ICP Docket No. 4232-000, Deskins Branch Coal Company, Mine No. 4, Mine ID No. 15 02410 0, Pikeville, 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 on or before February 14, 1974. 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.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 24, 1974.

[FR Doc.74-2354 Filed 1-29-74;8:45 am]

VIRGINIA MINING CO. ET AL.

Electric Face Equipment Standard; Opportunity for Public Hearing Regarding Applications for Initial Permits

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. 4233-000, Virginia Mining Company, Virginia Mine No. 18, Mine ID No. 40 00405 0, Whitwell, Tennessee.
(2) ICP Docket No. 4234-000, Trace Fork Company, Mine No. 4, Mine ID No. 46 01997 0, Rawl, West Virginia.
(3) ICP Docket No. 4235-000, P. M. Charles Coal Company, Mine No. 1, Mine ID No. 46 00861 0, Rawl, West Virginia.
(4) ICP Docket No. 4236-000, Grundy Mining Company, Kelly's Creek No. 24 Mine, Mine ID No. 40 00577 0, Whitwell, Tennessee.
(5) ICP Docket No. 4237-000, C. & C. Coal Company, Mine No. 1, Mine ID No. 44 01137 0, St. Charles, Virginia.
(6) ICP Docket No. 4240-000, O K Coal Company, Mine No. 1, Mine ID No. 44 01522 0, Harman, Virginia.

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 on or before February 14, 1974. 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.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 24, 1974.

[FR Doc.74-2355 Filed 1-29-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-5]

NASA PHYSICAL SCIENCES COMMITTEE

Notice of Change of Agenda

Due to the revised date of the President's FY 75 budget submission to Congress, it is necessary to make a change in the PSC meeting agenda published last week.

Agenda Item (7): *FY 75 Budget Request* scheduled from 2 p.m. to 4:30 p.m., 31 January 1974, is changed to read: *Executive Session.* The material to be discussed in this closed session includes the budgetary planning and levels proposed in the NASA submission for the Office of Space Science in preparation of the President's Budget for FY 1975. Under instructions from the Office of Management and Budget, this material may not be disclosed publicly until the President's FY 1975 budget is submitted to Congress.

The meeting is still scheduled to be held in Room 5026, FOB No. 6 commencing 9 a.m. Thursday, 31 January 1974. For further information regarding the meeting, please contact Mr. Guenter Strobel: Area Code 202-755-3647.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

JANUARY 23, 1974.

[FR Doc.74-2359 Filed 1-29-74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

MUSIC PROGRAM

Guidelines for Fellowship-Grants to Composers/Librettists/Translators, Fiscal Year 1975

The following are guidelines for Fellowship-Grants to Composers/Librettists/Translators made under the Music Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for the Fellowship-Grants to Composers/Librettists/Translators is April 1, 1974. Interested persons should contact James Ireland, Music Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382-5755, for further information and application forms.

Signed at Washington, D.C. on 24 January 1974.

FANNIE TAYLOR,
Director, Program Information.

In Fiscal Year 1975 (July 1, 1974-June 30, 1975) the National Endowment for the Arts plans to award individual fellowship-grants to assist composers, librettists, and translators.

The National Council on the Arts has designated this program a bicentennial activity in recognition of the enormous wealth of individual creative talent America possesses. The Council believes that these Fellowship-Grants, within the disciplines of composition, translation, and the writing of librettos, will aid the building of a greater American musical legacy. This new program of assistance, thus, is felt by the Endowment to be particularly appropriate as we prepare for our nation's bicentennial celebration.

It is anticipated that this phase of support to individuals in Fiscal Year 1975 will be followed by support of performing organizations, to be announced later.

Notices of approval or rejection will not be sent before November 1, 1974.

DEADLINE: APRIL 1, 1974

Applications must be postmarked no later than April 1, 1974. Generally, the proposed period of grant support should not begin prior to January 1, 1975, but may extend through December 31, 1975.

The deadline will be adhered to strictly. Applications postmarked later than April 1, 1974 will not be considered under the fiscal allocation.

Applications may be obtained by writing to the Music Program, National Endowment for the Arts, Washington, D.C. 20506, and requesting Individual Application Forms, No. NEA-2 (Rev.), for the Composer/Librettist/Translator Program. The completed application forms, in triplicate, and accompanying information should be returned to the Grants Office, National Endowment for the Arts, Washington, D.C. 20506.

GENERAL PURPOSE

The purpose of this program in support of individuals is to encourage:

(1) The creation of new compositions, or the completion of works in progress;
(2) The creation of new librettos and the production of artistically viable translations of librettos into English;
(3) Professional development.

ELIGIBILITY

Support will be limited as follows:

(1) Composers and librettists and translators of exceptional talent and evidenced experience;
(2) Individuals who can give evidence of the successful completion of the necessary foundations in training.

Please note that the Endowment funds another separate program to benefit jazz, folk, and/or ethnic composers; it thus may be advisable for these composers to request the Jazz/Folk/Ethnic Program Guidelines from the Music Program, National Endowment for the Arts, Washington, D.C. 20506.

LIMITATIONS

(1) This program does not fund production costs.
(2) This program does not fund foreign travel.
(3) Although the Endowment seeks information regarding plans for recording, it should be noted that, at the current time, it is not the policy of the Endowment to support recording costs.
(4) This program is for working musicians and support is not intended to provide assistance to develop or complete Master's degree theses or doctoral dissertations.
(5) The applicant may submit application in one category only. It is preferred that, for larger idioms, only one *new* work is included in the project description for applicants in Categories I and II.

CATEGORIES OF SUPPORT

Category I. Fellowship-grants of up to $10,000 to exceptionally talented composers for the creation of new works or the completion of works in progress. Such support will be inclusive of the individual's time, copying and reproduction costs, or other services necessary to complete the work(s).

Category II. Fellowship-grants of up to $5,000 to (A) librettists, and (B) translators or translation teams. Translation grants will be awarded only provided the applicant(s) shows evidence of expertise in both languages and operatic/lyric theater performance styles. Such support will be inclusive of the individual's time, copying and reproduction

costs, or other services necessary to complete the work(s).

Category III. Fellowship-grants of up to $2,500 to aid the professional development of the composer, librettist, and/or translator of exceptional talent. Such assistance will be limited:

(1) To expenses necessary to provide time for research and limited expenses for the purchase of other composers' scores in order that the aspiring composer may have continuing rapport with the field, be knowledgeable concerning new technological developments, and be in a position to study and explore the current trend toward new aesthetic concepts;

(2) To copying and reproduction costs of scores and parts of completed works;

(3) To expenses necessary to prepare tape recordings or excerpts of works for the purpose of providing samples for the review of performers, publishers, or recording firms;

(4) To transportation costs and lodging expenses required to discuss their works with conductors, artistic directors, and publication and/or recording representatives.

REQUIREMENTS FOR COMPLETION OF THE APPLICATION

The application form—#NEA–2 (Rev.). Typewritten application forms must be submitted in triplicate. All essential elements of the proposal *must be included in a concise project description in the space provided* on the first page of the application. If additional space is needed, no more than two additional 8½"×11" pages may be attached to each of the application forms.

Only information requested on the application form itself is submitted in triplicate. The applicant should send only one copy of reviews, supporting statements, letter(s) of interest and examples of previous work(s).

While the entire form must be completed, we ask that particular attention be paid to the following information requested on the application:

(1) Address, with inclusive dates of any temporary mailing address;

(2) All applicable telephone numbers;

(3) Project description, in the space provided:

(a) Description of the work(s) or project(s) to be composed or completed;

(b) Detailed information on costs of supplies and costs of equipment needed to carry out the project: (Show as materials.)

(c) Categories I and II:

(1) Specific medium involved

(2) Duration

(3) Performing forces required (size)

The Music Staff advises applicants to study carefully, point by point, the General Purpose and Categories of Support, as described earlier, before they submit their applications. Applicants are urged to retain duplicates of any materials sent to the agency.

Additional required materials—required of applicants in all categories unless otherwise indicated. (1) Reviews of previous performances. Include sources and dates of reviews. Such reviews are requested to validate public performances and specific context of the performance.

(2) Supporting statements from two recognized authorities in the field directed toward works *of recent date.* Supporting statements are requested to affirm the applicant's professional standing as evidenced by other professionals in the field.

(3) Statement of further plans. The applicant should submit a statement which outlines his future plans for the work(s). Are there plans for the work(s) to be produced, performed, or published? If so, by whom and when?

(4) Written evidence of interest.

(a) *Categories I and II*—Written evidence of *performance* interest should be submitted from a producer, conductor, director, or other person charged with production responsibilities.

(b) *Category III*—Written evidence of interest should be submitted from a proposed consultant, e.g., an authority in the field, a publication and/or recording representative. If the project is research, the applicant should prepare a statement indicating where the research is to be conducted for what purpose, specific subject matter, and whether the research is independent or with a designated authority.

A statement of interest is requested to assure that funded projects will be publicly performanced or published. At the least, the submitted document should state that the completed project will be examined with performance in mind.

(5) Examples of previous, *but recent,* work(s).

The examining committee prefers that all submitted examples of previous work be indicative of the applicant's ability to deal successfully with the medium and idiom of the project described in the application.

At least one score (or libretto) *and* one tape or recording must be submitted for review in the following manner:

(a) One score (or libretto), properly labelled with the applicant's name, the date of composition, and the title of the work. Instrumentation should be specified. If possible, scores of the submitted recorded or taped work should be sent.

(b) One tape, 7" reel, 7½ speed, head out, in a tape box, properly labelled with the applicant's name, the work(s) enclosed, the date of the recording, the date of composition, and name of performer(s) or ensemble.

(c) One recording, properly labelled with the applicant's name, date of composition, and date of recording.

(6) Category II, only:

(a) The name of the composer involved;

(b) Information concerning previous successful use of translations (or librettos) by the applicant;

(c) A synopsis of the work involved;

(d) Evidence that rights to adapt or translate the literary work have been obtained.

GENERAL INFORMATION

Application processing. The application, if not completed properly, will be returned to the applicant for corrections. The Endowment cannot accept responsibility for delays occasioned by the late arrival of applications or requests which have been improperly submitted.

Applications will be returned to the applicant if the individual does not meet the eligibility criteria set forth in these guidelines or if the proposed project does not fall within the scope of these guidelines. If, however, a valid application has been submitted in the wrong category, the Endowment may change that application to the correct category and will notify the applicant of such action.

Incomplete application files—If an application form is incomplete and/or if all additional required material has not been submitted, the application may be rejected due to insufficient information for review.

Tapes, scores, recordings, and manuscripts received at the Endowment will be returned although the Endowment cannot accept responsibility for losses incurred en route.

Application review. After an application with all necessary information has been received, the file will be reviewed as follows:

(1) The Endowment Music staff, the Composer/Librettist/Translator Consultants, and the National Council on the Arts successively review the application;

(2) The applicant is notified concerning final action taken by the Chairman of the Endowment.

Notices of conditional approval or rejection will be sent only as the Chairman authorizes. Applicants are requested not to seek information on the status of their requests. While the Endowment welcomes expressions of interest in a project, extraordinary pressures beyond direct negotiations are not helpful.

Final Reports. At the conclusion of the grant period, the Endowment requires final reports from all grantees. Complete instructions on final reporting will accompany the fellowship-grant letter. All grantees are required to submit the following:

A narrative report describing what was accomplished during the grant period.

Taxability of fellowships. The Internal Revenue Code and regulations provide that certain fellowships to individuals who are not candidates for degrees are deductible, but only up to a certain amount and for a limited period of time.

A pamphlet entitled "Tax Information for American Scholars in the U.S. and Abroad" will be supplied on request. Generally, this booklet is available at any Internal Revenue Service office. The booklet might be helpful in preparing an application for a proposed fellowship.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue Service office.

General Endowment position on support of creative works. For purposes of publications, recordings, and performances, the Federal Government takes no vested interest except to retain a non-exclusive license to use and produce for Government purposes (such as exhibits, demonstrations, or other government uses), without payment, any material, including copyrighted matter, arising out of grant activities. The purpose of this policy is to protect original works as being the sole property of the composer. Appropriate provision to this effect is made at the time of obligation of Endowment fellowship-grants to composers.

[FR Doc.74–2380 Filed 1–29–74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held at 9 a.m. on February 8, 9:00 a.m. on February 9, and 9 a.m. on February 10, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on February 9 from 9:00 a.m. to 1:00 p.m. on a space available basis. Accommodations are limited. During the open session, the following areas will be discussed: (1) Energy Crisis (2) "Design Matters," New Towns, Handicapped, etc. (3) Endowment Film Policy (4) Dance Film Report (5) Folk Arts Report (6) Guidelines.

The remaining sessions of this meeting, February 8, February 9 from 9:00 a.m. to 4:30 p.m., and February 10, 1974 are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance

under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions involving matters exempt from the requirements of public disclosure, under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74-2439 Filed 1-29-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PSYCHOBIOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Psychobiology to be held at 9 a.m. on February 14 and 15, 1974, in Room 511 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of Section 10(d) of P.L. 92-463.

For further information concerning this Panel, contact Dr. Jacob Beck, Program Director, Psychobiology Program, Room 333, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

JANUARY 16, 1974.

[FR Doc.74-2358 Filed 1-29-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Notice of Suspension of Trading

JANUARY 18, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 19, 1974 through January 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2383 Filed 1-29-74;8:45 am]

[812-3545]

CORPORATE BOND TRUST, SERIES I (AND SUBSEQUENT SERIES)

Filing of Application for Exemption

Notice is hereby given that The Corporate Bond Trust, Series I ("series I"), c/o Paine, Webber, Jackson & Curtis Inc., 140 Broadway, New York, New York 10005 registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and its sponsor, Paine, Webber, Jackson & Curtis Inc. ("Sponsor") (collectively "Applicants"), have filed an application for an order pursuant to section 6(c) of the Act (1) exempting Series I and any subsequent series from the minimum capital provisions of section 14(a) of the Act, (2) exempting the frequency of capital gains distributions by a series from rule 19b-1 under the Act, and (3) exempting the secondary market operations of the sponsor in the units of a series from rule 22c-1 under the Act, and, for an order pursuant to section 45(a) of the Act, granting confidential treatment to profit and loss statements of the Sponsor fild with the Commission from time to time in connection with registration statement of a series. All interested persons are referred to the application, as amended, on file with the Commission for a statement of Applicant's representations contained therein which are summarized below.

The exemptive order is requested for Series I and subsequent series sponsored by the Sponsor with the same characteristics as Series I. Series I and each future series (collectively the "Trusts") will be governed by a trust indenture and agreement for that trust (hereinafter called "Trust Agreement") under which the Sponsor will act as such, United States Trust Co. of New York will act as Trustee ("Trustee"), State Street Bank and Trust Co. of Boston will act as Co-trustee, and Interactive Data Services, Inc. will act as Evaluator ("Evaluator").

The Trust Agreement for each of the Trusts will contain standard terms and conditions of trust common to all the Trusts. Pursuant to the Trust Agreement, the Sponsor will deposit with the Trustee not less than $5,000,000 principal amount of underlying corporate debt securities (hereinfater called the "Bonds") which the Sponsor will have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor, for sale to the public, registered certificates for not less than 5,000 Units, which will represent the entire ownership of that Trust at the Date of Deposit.

The Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited in a Trust. All of the Bonds will be bonds, notes, debentures or other corporate debt securities (both secured and unsecured, including both senior indebtedness and indebtedness which is subordinate to other indebtedness) with fixed final maturity dates and no conversion or equity features. The Sponsor will accumulate the Bonds for the purpose of deposit in Series I and will follow a similar procedure of accumulating the Bonds for each of the Trusts. In selecting Bonds for a Trust the following factors will be of primary importance: (1) Minimum Interactive Data Services, Inc.'s or Fitch Investors Service, Inc.'s rating of "BBB" or minimum Moody's Investors Service, Inc.'s rating of "Baa"; (2) reasonable value relative to other issues of similar quality and maturity; (3) diversification of the portfolio; and (4) income to the holders of units of the Trust.

The portfolio of each Trust will consist of the underlying Bonds, and any additional Bonds acquired and held by the Trust pursuant to the provisions of the Trust Agreement, together with accrued and undistributed interest and cash realized from the sale, redemption, maturity or other disposition of the Bonds. No substitution of the securities initially deposited with a Trust will be permissible except that certain of the Bonds may from time to time be sold or may mature in accordance with their terms, and the Sponsor may, under the Indenture, direct the Trustee to sell or liquidate any of the Bonds upon the happening of certain events including (1) default in the payment of principal or interest on any of the Bonds when due and payable; (2) institution of legal proceedings involving such Bonds; (3) a breach of covenant or warranty which could adversely affect the payment of debt service on the Bonds; (4) default in the payment of principal or interest on any other outstanding obligations of the same issuer; and (5) if disposition is desirable to maintain the qualification of the Trust as a regulated investment company under the Internal Revenue Code. The proceeds from such dispositions may be reinvested in substitute bonds meeting the investment characteristics set forth above or will be distributed to holders of units "Units") of the Trust.

Each Unit for a particular Trust will represent a fractional undivided interest in the principal amount of Bonds in that Trust. The numerator of the fractional

interest represented by each Unit will be 1 and the denominator will be equal to the number of Units then outstanding in the Trust. Units of each Trust will be redeemable. In the event that any Units shall be redeemed, the denominator of the fraction will be reduced and the fractional undivided interest represented by such Unit increased. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. There will be no provision in any Trust Agreement for the issuance of any Units after the initial offering of Units (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act) and such activity will not take place.

Following the deposit of Bonds for each Trust by the Sponsor with the Trustee, and following the declaration of effectiveness of that Trust's registration statement under the Securities Act of 1933 and clearance by the securities authorities of various States, the Sponsor will offer the Units of the Trust to the public at the public offering price set forth in the Prospectus, plus accrued interest.

While not obligated to do so, the Sponsor intends to maintain a market for the Units of each Trust and to continually offer to purchase such Units at prices subject to change at any time, based on the aggregate of the then current offering prices of the Bonds in the Trust. If the supply of Units exceeds demand, or for other business reasons, the Sponsor may discontinue purchases of Units at prices based on the offering prices of the Bonds. In this event, the Sponsor may nonetheless purchase Units, as a service to Unitholders, at a price based on the then current redemption value of Units, which value is based on the bid prices for the Bonds in the Trust. In no event will the price offered by the Sponsor for repurchase of Units be less than the then current redemption value. If the Sponsor repurchases Units in the secondary market at a price below the offering side evaluation of the Bonds, it will not resell such Units in the secondary market, but will either hold such Units for its own account or redeem such Units with the Trustee.

A Unitholder who wishes to dispose of his Units is to be advised to inquire through his bank or broker as to the then current market price for Units prior to making a tender for redemption to the Trustee. In the absence of the availability of more favorable terms existing in the secondary market referred to above, any Unit tendered for redemption to the Trustee shall be redeemed by the Trustee on the seventh calendar day following the day on which the Unit is tendered for redemption ("Redemption Date").

Section 14(a). Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants request exemption from section 14(a) of the Act pursuant to section 6(c) of the Act. Section 6(c) of the Act provides that the Commission may exempt persons, securities, and transactions from any provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Series I and each subsequent Trust at the date of deposit of the underlying Bonds for such Trust, and before any Unit of that Trust is offered to the public, will have a net worth of at least $5 million represented by the market value of the Bonds deposited with the Trustee on that date. Deposit by the Sponsor of Bonds with a net worth of at least $5 million in Series I and each subsequent Trust, in exchange for units of Series I and the subsequent Trusts which units the Sponsor then intends to offer to the public, may be deemed not to satisfy these provisions of the Act.

The Sponsor has, therefore, agreed that it will refund on demand and without deduction all sales charges to purchasers of Units of a Trust if, within 90 days from the time when the Trust becomes effective under the Securities Act, the net worth of the Trust shall be reduced to less than $100,000 or if the Trust shall have been terminated. The Sponsor further agrees to instruct the Trustee on the Date of Deposit of each Trust that in the event redemption by the Sponsor of Units constituting a part of the unsold Units shall result in that Trust having a net worth of less than $5 million, the Trustee shall terminate the Trust in the manner provided in the Trust Agreement and distribute all Bonds and other assets deposited with the Trustee pursuant to the Trust Agreement as provided therein. The Sponsor further agrees, in such event, to refund any sales charges to any purchaser of Units purchased from the Sponsor or any dealer participating in the underwriting on demand and without deduction. Applicant contends that in these circumstances it would be consistent with the purposes of the Act and the protection of investors to exempt from Section 14(a) of the Act, Series I and all subsequent Trusts which are all unit investment trusts, i.e. fixed trusts whose portfolios will consist of specified securities at the time of the sale of Units to public investors.

Rule 19b–1. Rule 19b–1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company", as defined in Section 851 of the Internal Revenue Code, shall distribute more than one capital gain distribution in any one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company", but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Distribution of principal and interest to Unitholders of a Trust are to be made on a monthly basis. Distributions of principal constituting capital gains to Unitholders may arise when and if Units are redeemed by the Trustee and Bonds from the portfolio are sold to provide the funds necessary for such redemption. Each Unitholder would then receive his pro rata portion in substitute Bonds in accordance with the Trust Agreement. Thus, a Unitholder might receive, in his distribution, funds which constitute capital gains since the value of the portfolio Bonds that have been redeemed or sold may have increased after the date of initial deposit.

Paragraph (b) of rule 19b–1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicant states that the purpose of this provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and to distribute them only at year end. Applicants state that the policy behind the exemption provided by paragraph (b) of rule 19b–1 from the once-a-year capital gain distribution of rule 19b–1(a) is relevant to the Trusts even though the Trusts will not invest in regulated investment companies.

The dangers against which rule 19b–1 is intended to guard, the Applicants' state, do not exist in Applicants' situation since the events which may give rise to capital gains are substantially independent of any action by the Sponsor and the Trustee or Co-Trustee. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and that such distributions are clearly indicated in accompanying reports to Unitholders as a return of principal. Applicants contend that it would be clearly to the detriment of Unitholder if a Trust would be required to hold any money, which might be capital gains, until the end of its taxable year before distributing such gains to Unitholders.

Rule 22c–1. Applicants also seek an order pursuant to section 6(c) of the Act exempting the secondary market operations of the Sponsor from the provisions of rule 22c–1 under the Act. The Sponsor proposes to adopt the practice of valuing Applicants' Units, for repurchase and resale by the Sponsor in the secondary market, at prices computed once a week as of the close of business on the last business day of the week, effective for all transactions made during the following week. The evaluation is to be made by the Evaluator.

Rule 22c–1 provides, in part, that redeemable securities of registered investment companies must be sold, redeemed or repurchased at a price based on the current net asset value (computed on

each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to repurchase or sell such security.

Applicants assert that the pricing by the Sponsor in the secondary market will in no way affect the assets of Series I or of the subsequent Trusts, and that Unitholders will benefit from such pricing procedures by receiving, normally, higher repurchase prices for their Units than they would receive upon redemption, without the cost burden of daily evaluations of the Unit redemption value. In addition, the application states that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase by the Sponsor, if the Evaluator cannot state that the current bid side evaluation is not higher than or equal to the previous Friday's offering side evaluation, the Sponsor will order a new offering side evaluation for the purpose of such repurchase. Also, in the case of such a repurchase, if the Evaluator cannot state that the previous Friday's offering side evaluation, to be paid to a Unitholder, is no more than one-half point ($5 on a Unit representing approximately $1,000 face amount of underlying Bonds) lower than the current offering side evaluation, a full evaluation will be ordered to determine the current offering side evaluation to be paid the Unitholder. In the case of a sale by the Sponsor, if the Evaluator cannot state that the previous Friday's offering side evaluation is no more than one-half point greater than the current offering side evaluation, a full evaluation will be ordered. Applicants assert that this procedure will minimize the risk that selling Unitholders may receive less than the current offering side evaluation of their interests or that purchasers from the Sponsor may pay more than the current offering side evaluation of the interests to be acquired plus sales charges. Applicants contend that an exemption from the daily forward pricing requirement of Rule 22c–1 would be appropriate because it would save a Trust the expense of daily evaluations and that such exemption would be consistent with the protection of investors and the purposes of the Act because of the aforementioned procedures.

Section 45(a). Applicants also seek an order of the Commission pursuant to section 45(a) of the Act granting confidential treatment to profit and loss statements of the Sponsor filed with the Commission from time to time in connection with offerings of Units of the Trusts.

Secton 45(a) of the Act provides, in pertinent part, that information filed with the Commission "shall be made available to the public, unless and except insofar as the Commission, . . . by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors".

Applicants submit that public disclosure of the Sponsor's profit and loss statements in connection with offerings of Units of the Trusts is neither necessary nor appropriate in the public interest or for the protection of investors. Investors in the Trusts are not offered an opportunity to acquire any interest whatsoever in the Sponsor. Apart from the Sponsor's minimal obligation under the Trust Agreements to designate Bonds for liquidation by the Trustee to the extent necessary to provide funds for redemption (which obligation may be performed by the Sponsor), to furnish to the Trustee a list of suggested substitute securities, and to advise the Trustee in cases of sales of Bonds due to adverse credit characteristics or default and certain other contingent supervisory responsibilities, the Sponsor has virtually no discretionary authority relating to the management of the Trust. Applicant states that the Sponsor thus functions primarily as an underwriter of the Trust. Applicant asserts that there is, therefore, no legitimate interest on the part of investors in the Trusts in the public disclosure of the profit and loss statements of the Sponsor.

To the extent that the Sponsor's solvency may be thought relevant to the maintenance of the secondary market in Units of the Trusts, adequate information is contained in other public filings made by the Sponsor with the Commission and the major securities exchanges. Moreover, the Sponsor is not obligated to maintain such secondary market, and Unitholders have at all times the right to redeem their Units at their net asset value.

Notice is hereby given that any interested person may, not later than February 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following February 13, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2384 Filed 1–29–74;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORP. OF AMERICA

Notice of Suspension of Trading

JANUARY 21, 1974.

The common stock of Equity Funding Corp. of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from January 22, 1974 through January 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–2385 Filed 1–29–74;8:45 am]

[File No. 500–1]

FULTON NATIONAL GROUP, INC.

Notice of Suspension of Trading

JANUARY 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Fulton National Group, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of

1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12 Noon (E.d.t.) January 18, 1974 through midnight (E.d.t.) January 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-2386 Filed 1-29-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

JANUARY 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being trade otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 22, 1974 through January 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-2387 Filed 1-29-74;8:45 am]

[812-3583]

NEW ENGLAND MUTUAL LIFE INSURANCE CO., ET AL.

Notice of Application for an Order Exempting Applicants

JANUARY 21, 1974.

In the matter of New England Mutual Life Insurance Co., New England Life Variable Annuity Fund I, New England Life Variable Annuity Fund II, and NEL Equity Services Corp., 501 Boylston Street, Boston, Massachusetts 02117.

Notice is hereby given that New England Mutual Life Insurance Co. ("Insurance Company"), New England Life Variable Annuity Fund I ("Fund I"), New England Life Variable Annuity Fund II ("Fund II") and NEL Equity Services Corp. ("Nelesco") (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Insurance Company is a Massachusetts mutual life insurance company. Fund I, an open-end diversified management company registered under the Act, was established by Insurance Company in connection with the offering to the public of individual variable annuity contracts issued in connection with plans qualifying for certain tax benefits under sections 401 or 403 of the Internal Revenue Code. Fund II, an open-end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering of individual variable annuity contracts to persons not entitled to such tax benefits under the Internal Revenue Code. Nelesco, a wholly-owned subsidiary of the Insurance Company, is the principal underwriter for the Funds.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and .25 percent of any balance, for administrative expenses. In connection with the sale of such contracts of the flexible (periodic) purchase payment type, deductions from each purchase payment are made as follows: 6 percent for sales expenses and 3 percent of the first $46 and 2 percent of any balance for administrative expenses.

Applicants request an exemption from section 22(d) to the extent necessary to permit the elimination of all charges for sales and administrative expenses when a variable annuity contract is purchased by a transfer of amounts from a fixed-dollar annuity contract sold by Insurance Company. Applicants state that on transfers of amounts from a fixed-dollar annuity contract to a single purchase payment variable annuity contract a limited exemption to section 22(d) now exists providing for a reduction of sales charges to 1.5 percent of the first $100,000 with no sales charge on any balance and no reduction in administrative expense charges. (Investment Company Act Releases Nos. 6550 and 6551) The proposed exemption would apply to all variable annuity contracts (periodic payment as well as single payment) and would eliminate all charges for sales and administrative expenses.

Applicants assert that the fixed-dollar and variable annuity contracts sold by Insurance Company are companion products, alike in most provisions except for those stemming from the variable nature of the variable annuity contracts, including the fact that the latter are funded in separate accounts (Funds I and II) whereas fixed annuity contracts are funded in Insurance Company's general account. Applicants further assert that only minimal administrative expenses will be incurred when a contractholder transfers sums from a fixed to a variable annuity contract and that such nominal expenses will be absorbed by Insurance Company. In addition, no sales commission will be paid on such a transaction because (i) substantial commissions will already have been paid upon the sale of the fixed annuity contract; (ii) the transaction does not result in new monies coming into Insurance Company; and (iii) little or no sales effort is required in connection with these transactions. Under these circumstances, Applicants assert that the proposed exemption does not involve unfair discrimination and is in fact necessary to avoid the inequitable imposition of sales and administrative charges on this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of mutual fund distribution which section 22(d) seeks to preserve.

In connection with the transactions for which exemption is sought, Insurance Company will impose certain restrictions including, with respect to any one contractholder, permitting only one such transfer during a calendar year.

Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than February 14, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice

of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2388 Filed 1-29-74;8:45 am]

[File No. 500-1]

PATTERSON CORP.

Notice of Suspension of Trading

JANUARY 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 20, 1974 through January 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2389 Filed 1-29-74;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Notice of Suspension of Trading

JANUARY 18, 1974.

The common stock of U.S. Financial Inc. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 19, 1974 through January 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2390 Filed 1-29-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

JANUARY 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 20, 1974 through January 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2391 Filed 1-29-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 08/08-0035]

CAPITAL LIMITED V.H.J., INC.

Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (38 FR 30836; November 7, 1973) by Capital Limited V.H.J., Inc., 2520 S. State Street, Salt Lake City, Utah 84115, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (The Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors, and sole stockholder are:

Vernon H. Johnson, President, General Manager and Director, 2344 Arnett Drive, Salt Lake City, Utah 84109.

Frank Jan Page, Vice-President & Director, 222 Elizabeth St., Salt Lake City, Utah 84106.

Wendell L. Cottrell, Secretary-Treasurer & Director, 3856 S. 2140 E., Salt Lake City, Utah 84109.

Col. John Coady, Sole Shareholder, 1104 Ironwood Ct., Belleview, Nebraska 68005.

The applicant will begin operations with a capitalization of $305,000 and will be a source of equity capital and long-term loan funds for qualified small concerns. In addition to financial assistance, the applicant will provide management services to small concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before Feburary 14, 1974, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Salt Lake City, Utah.

Dated: January 22, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-2375 Filed 1-29-74;8:45 am]

[Declaration of Disaster Loan Area 1031]

CONNECTICUT

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of December 1973, because of the effects of a certain disaster, damage resulted to business property located in the State of Connecticut;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe with the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the State of Connecticut suffered damage or destruction resulting from a severe ice storm which occurred December 17, 1973.

Applications will be processed under the provisions of Public Law 93-24.

OFFICE

Small Business Administration
District Office
450 Main Street
Hartford, Connecticut 06103

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to March 18, 1974.

Dated: January 17, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-2378 Filed 1-29-74;8:45 am]

[License No. 05/05-0098]

DOAN ASSOCIATES, INC.

Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (38 FR 30836; November 7, 1973) by Doan Associates, Inc., 110 East Grove Street, Midland, MI 48640, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*)

The proposed officers, directors and sole stockholder are:

Arnold C. Ott, President and Director, 2512 Abbott Road, Midland, Michigan 48640.

Herbert D. Doan, Chairman of the Board, Treasurer, Secretary and Director, 3801 Valley Drive, Midland, Michigan 48640.
Doan Associates, Sole shareholder, 110 East Grove Street, Midland, Michigan 48640.

Doan Associates (Associates) is a Limited Partnership formed and existing under the Laws of the State of Michigan. Associates is engaged primarily in providing and obtaining venture capital financing for businesses which promise growth opportunities.

The applicant will begin operations with a capitalization of $300,000 and will be a source of equity capital and long-term loan funds for qualified small business concerns. In addition to financial assistance, the applicant will provide management services to small concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, on or before February 14, 1974, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this Notice shall be published in a newspaper of general circulation in Midland, Michigan.

Dated: January 22, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-2376 Filed 1-29-74;8:45 am]

[Proposed License No. 06/06-0170]

INTERSTATE VENTURE CAPITAL CORPORATION

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (38 FR 30836, November 7, 1973) under the name of Interstate Venture Capital Corporation, 1300 Main Street, Suite 510, Houston, Tex. 77002, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers and directors are as follows:

Lamar E. Ozley, Jr., 6214 Valley Forge, Houston, Tex., President and Director.
Thomas H. Schnitzius, 10811 Meadow Lake Lane, Houston, Tex., Executive Vice President, Assistant Secretary, and Director.
Delwin W. Morton, Route 2, Canton, Tex., Director.

There is one class of stock proposed, common stock, with 1,000 shares of $1.00 par value authorized. The company will be wholly owned by Interstate Financial Corporation, 1300 Main Street, Houston, Texas 77002, and will commence operation with a capitalization of $500,000. It is anticipated that this capitalization will be increased to approximately $1.3 million.

The applicant proposes to principally carry on its operations within the State of Texas. There are no plans to specialize its investments in any one standard industrial classification. Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than February 14, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Houston, Texas.

Dated: January 29, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator, for Investment.

[FR Doc.74-2643 Filed 1-29-74;10:49 am]

[Proposed License No. 06/06-0169]

LOUISIANA EQUITY CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (38 FR 30838, November 7, 1973) under the name of Louisiana Equity Capital Corporation, 451 Florida Street, Baton Rouge, Louisiana 70801, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder. A branch office is to be established in Monroe, Louisiana and New Orleans, Louisiana.

The proposed officers, directors and shareholders are as follows:

Norman LaRon Phillips, President, Director, 9302 Hilltrace Avenue, Baton Rouge, Louisiana.
Robert Lee Vanderpool, Jr., Vice President, Director, 3410 Loop Road, Monroe, Louisiana.
Charles Wallace McCoy, Vice President, Director, 17 Stone's Throw, Baton Rouge, Louisiana.
Lawrence A. Merrigan, Vice President, Director, 6315 Paris Avenue, New Orleans, Louisiana.
Ralph Martin France, Secretary, Treasurer, Director, 5928 Chestnut Street, New Orleans, Louisiana.
Edwin Shelton Mathews, Director, 2202 Briarmoor, Monroe, Louisiana.

There is one class of stock, common stock, authorized in the amount of 100,000 shares having no par value. The company proposes to commence operation with a capitalization of $900,000. The issued and outstanding stock will be held one-third each by the following non-affiliated banks:

Louisiana National Bank
Baton Rouge, Louisiana
Bank of New Orleans and Trust Co.
New Orleans, Louisiana
Ouachita National Bank in Monroe
Monroe, Louisiana

The applicant proposes to principally carry on its operations within the State of Louisiana. It also proposes to maintain a broad investment policy without specialization in any one business classification. Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, on or before February 14, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Baton Rouge, Monroe and New Orleans, Louisiana.

Dated: January 21, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-2377 Filed 1-29-74;8:45 am]

[Notice of Disaster Loan Area 1032]

MAINE

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Maine as a major disaster area following severe storms and flooding beginning on or about December 16, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Androscoggin, Kennebec, Knox, Lincoln, Piscataquis, Somerset, and Waldo, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
40 Western Avenue
Augusta, Maine 04330

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than March 19, 1974.

Dated: January 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-2379 Filed 1-29-74;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON STRUCTURAL SAFETY OF VETERANS ADMINISTRATION FACILITIES

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Advisory Committee on Structural Safety of Veterans Administration Facilities will be held in Room 442 at the Veterans Administration Central Office, 811 Vermont Avenue, NW., Washington, DC on February 22, 1974, at 10 a.m. The committee members will review Veterans Administration construction standards and criteria relating to fire, earthquake, and other disaster resistant construction.

The meeting will be open to the public up to the seating capacity of the room. Because of the limited seating capacity it will be necessary for those wishing to attend to contact Mr. James Lefter, Director, Civil Engineering Service, Office of Construction, VA Central Office (phone 202-389-2868), prior to February 19, 1974.

Dated: January 22, 1974.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.74-2448 Filed 1-29-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

POSSIBLE HAZARDS OF VINYL CHLORIDE MANUFACTURE AND USE

Request for Information and Notice of Fact-Finding Hearing

Notice is hereby given that the Occupational Safety and Health Administration is requesting information on possible hazards associated with the manufacture and/or use of vinyl chloride (chloroethene, Chemical Abstracts Service Registry Number 75014).

The Administration requests information including, but not necessarily limited to:

(1) The toxicity of vinyl chloride;

(2) The toxicity of other chemicals involved in the manufacture and use of vinyl chloride;

(3) The technologies involved in the production and use of vinyl chloride;

(4) Employee populations potentially or actually exposed to vinyl chloride or other chemicals, and involved in the production and/or use of vinyl chloride;

(5) Epidemiological studies of effects of vinyl chloride and other chemicals used in the manufacture or use of vinyl chloride on populations, employee or otherwise; and

(6) Whether the available information warrants the issuance of an Emergency Temporary Standard, or the commencement of a regular rulemaking under section 6(b) of the Occupational Safety and Health Act.

Written data may be mailed or delivered to the Office of Standards, Attn: Docket OSH-36, Occupational Safety and Health Administration, Room 203, 1726 M Street NW., Washington, D.C. 20210, not later than February 28, 1974. The data will be available for public inspection and copying at the OSHA Public Reading Room, Room 203, 1726 M Street NW., Washington, D.C. 20210.

Oral presentation of data will also be received by an administrative law judge at an informal fact-finding hearing beginning at 10 a.m., e.d.t., on Friday, February 15, 1974, Conference Room B, Detmental Auditorium, Constitution Avepartmental Auditorium, Constitution Avenue NW., between 12th and 14th Streets, Washington, D.C.

Persons desiring to appear at the hearing must file with J. Goodell, Attn: Docket OSH-36, Office of Standards, Occupational Safety and Health Administration, Room 203, 1726 M Street NW., Washington, D.C. 20210, a written notice of intention to appear, in triplicate. Notice should be filed as soon as possible, but will be accepted by the Management Officer at the hearing until the pre-hearing conference begins. The notice should state: The name and address of the person wishing to appear; the capacity in which he will appear; and the approximate amount of time required for the presentation. The notice should also include, or be accompanied by, a brief statement of the presentation to be made.

Beginning at 9:30 a.m., e.d.t., on February 15, 1974, the presiding Administrative Law Judge will hold a pre-hearing conference in order to establish the order and time for the presentations, and in order to settle any other matter relating to the proceedings.

The oral proceedings shall be reported verbatim. The use of prepared statements by witnesses is encouraged. All documents that are intended to be submitted should be submitted in triplicate (original and two copies).

The administrative law judge shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the hearing;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the requested information;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witness; and

(f) In his discretion, to keep the record open for a reasonable stated time to receive written data from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding officer shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health.

Signed at Washington, D.C., this 28th day of January 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc. 74-2604 Filed 1-29-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 434]

ASSIGNMENT OF HEARINGS

JANUARY 25, 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 January 30, 1974.

MC-56679 Sub 66, Brown Transport Corp., MC 136155 Sub 2, Gay Trucking Co., Inc., MC 136285 Sub 3, Southern Intermodal Logistics, Inc., MC 136230, Interstate Warehousing, Corp., now assigned March 12, 1974, will be held at the Holiday Inn—Downtown, 175 Piedmont Avenue, Atlanta, Ga.

W-81 Sub-No. 3, McAllister Lighterage Line, Inc., & W-457 Sub-No. 6, McAllister Brothers, Inc., now assigned February 4, 1974, at New York, N.Y., is cancelled and transferred to Modified Procedure.

MC-61955, Centropolis Transfer Co., Inc., now assigned February 6, 1974, at Jefferson City, Mo., is cancelled and reassigned February 6, 1974, in Room 609, Federal Office Bldg., 911 Walnut Street, Kansas City, Mo.

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, continued to March 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 20872 Sub 15, Lime City Trucking Company, Inc., now assigned February 4, 1974, at Chicago, Ill., is postponed indefinitely.

MC 2202 Sub 447, Roadway Express, Inc., now assigned February 25, 1974, at Cleveland, Ohio, is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-2458 Filed 1-29-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 25, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common

carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before February 14, 1974.

FSA No. 42798—*Iron and Steel Articles from Points in Minnesota.* Filed by Western Trunk Line Committee, Agent (No. A-2697), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from specified points in Minnesota, to specified points in southern territory.

Grounds for relief—Barge competition.

Tariff—Supplement 107 to Western Trunk Line Committee, Agent, tariff 80-R, I.C.C. No. A-4741. Rates are published to become effective on February 25, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-2464 Filed 1-29-74;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 25, 1974.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-8948 (Deviation No. 3), WESTERN GILLETTE, INC., 2550 East 28 Street, Los Angeles, California 90058, filed January 7, 1974. Carrier's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, California 90017. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Reno, Nev., over Interstate Highway 80 to junction Alternate U.S. Highway 95 at or near Fernley, Nev., thence over Alternate U.S. Highway 95 to junction U.S. Highway 95 at Fallon, Nev., thence over U.S. Highway 95 to junction U.S. Highway 93 at Las Vegas, Nev., thence over U.S. Highway 93 to Wickenburg, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Reno, Nev., over U.S. Highway 395 to Beechers Corners, Calif., thence over California Highway 58 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction Interstate Highway 10, thence over Interstate Highway 10 to Beaumont, Calif., thence over U.S. Highway 60 to Mesa, Ariz., and return over the same route.

No. MC-30605 (Deviation No. 25). THE SANTA FE TRAIL TRANSPORTATION COMPANY, P.O. Box 56, Wichita, Kansas 67201, filed January 17, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Ft. Worth, Tex., over U.S. Highway 287 to Lamar, Colo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Ft. Worth, Tex., over U.S. Highway 377 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 177, thence over U.S. Highway 177 to junction U.S. Highway 81, thence over U.S. Highway 81, to Wichita, Kans., thence over U.S. Highway 54 to junction U.S. Highway 154, thence over U.S. Highway 154 to Dodge City, Kans., thence over U.S. Highway 50 to Lamar, Colo., and return over the same route.

No. MC-48958 (Deviation No. 53), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed January 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 10 and U.S. Highway 60 near Brenda, Ariz., over Interstate Highway 10 to Tonopah, Ariz., thence over county FAS road to Buckeye, Ariz., thence over U.S. Highway 80 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From junction Interstate Highway 10 and U.S. Highway 60 near Brenda, Ariz., over U.S. Highway 60 to Phoenix, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-2462 Filed 1-29-74;8:45 am]

[Notice No. 3]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JANUARY 25, 1974.

The following letter-notices of proposals (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), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-1515 (Deviation No. 669), GREYHOUND LINES. INC. (Eastern Division), 1400 W. Third Street, Cleveland, Ohio 44101, filed January 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Youngstown, Ohio, over Ohio Highway 143 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction New Jersey Highway 23, thence over New Jersey Highway 23 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Highway 3, thence over New Jersey Highway 3 and the Lincoln Tunnel to New York, New York, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Youngstown, Ohio, over Ohio Highway 7 to junction Ohio Turnpike at Exit 16, thence over Ohio Turnpike to junction Pennsylvania Turnpike, thence over Pennsylvania Turnpike to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction New Jersey Highway 3, thence over New Jersey Highway 3 and the Lincoln Tunnel to New York, New York, and return over the same route.

No. MC-1515 (Deviation No. 670), GREYHOUND LINES, INC. (Eastern Division), 1400 W. Third Street, Cleveland, Ohio 44101, filed January 8, 1974. Carrier proposes to operate as a *common*

carrier, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Knoxville, Tenn., over Interstate Highway 75 to Chattanooga, Tenn., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Knoxville, Tenn., over U.S. Highway 70 to junction U.S. Highway 27, thence over U.S. Highway 27 to Chattanooga, Tenn., and return over the same route.

No. MC-2890 (Deviation No. 94), AMERICAN BUSLINES, INC., 1501 South Central Avenue, Los Angeles, California 90021, filed January 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From St. George, Utah, over Interstate Highway 15 to Littlefield, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From St. George, Utah, over U.S. Highway 91 to Littlefield, Ariz., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-2460 Filed 1-29-74;8:45 am]

[Notice No. 7]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 25, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application) are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 138199 (Sub-No. 1) (REPUBLICATION), filed January 17, 1973, published in the FEDERAL REGISTER issue of March 1, 1973, and republished this issue. Applicant: LEONARD J. MARKOWSKI, doing business as AIR-LINK, Route 3, Box 579, Coeur d'Alene, Idaho 83814. Applicant's representative: Herbert Nagel, P.O. Box 907, Coeur d'Alene, Idaho 83814. A Report and Order of the Commission, Review Board 2, dated November 14, 1973, and served December 5, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, (1) of *passengers and their baggage*, in special operations, and (2) of *general commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), restricted (a) to the transportation of shipments in the same vehicle with passengers, and (b) against the transportation of packages or articles weighing more than 100 pounds in the aggregate from one consignor at one location to one consignee at one location during a single day, between points in Kootenai County, Idaho, on the one hand, and, on the other, Spokane International Airport, Spokane County, Wash., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 59655 (NOTICE OF FILING OF PETITION FOR PARTIAL MODIFICATION, CLARIFICATION, AND AMENDMENT OF CERTIFICATE) (CORRECTION), filed December 3, 1973, published in the FEDERAL REGISTER issue of January 3, 1974, and republished, as corrected, this issue. Petitioner: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10901. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 59655 issued June 4, 1971, authorizing transportation, over irregular routes, of *general commodities* (except those of unusual value, liquor, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Winchester, Rockland, and Orange Counties, N.Y. By the instant petition, petitioner seeks either of the following alternatives: (a) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate its terminal area of New York, N.Y., as all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission, or (b) that the Commission change the terminal area of New York, N.Y., to read as follows: New York, N.Y., Commercial Zone, as defined in Commercial Zones and Terminal Areas, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of Section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y. The purpose of this republication is to correctly state provision (b) above which was previously published incorrectly. Any person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115162 (Sub-No. 196) (NOTICE OF FILING OF PETITION TO ADD A COMMODITY), filed January 7, 1974. Petitioner: POOLE TRUCK LINE, INC., P.O. Box 500, Evergreen, Ala. 36401. Petitioner's representative: Robert E. Tate (same address as applicant). Petitioner holds a motor *common carrier* certificate in No. MC 115162 (Sub-No. 196), issued September 29, 1971, authorizing transportation, over irregular routes, of (1) *Synthetic or artificial rock*, from points in Lake County, Ill., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *ground clay*, in containers, from the plant site of the Oil-Dri Corporation of America, at or near Ripley, Miss., to points in that part of the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. By the instant petition, petitioner seeks to add the commodity ground clay to those described in (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 123061 (Sub-Nos. 6, 34, 36, 52 and 61) (NOTICE OF FILING OF PETITION FOR INTERPRETATION, CLARIFICATION, AND AMENDMENT), filed December 26, 1973. Petitioner: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, Utah 84104. Petitioner's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Petitioner presently holds a motor *common carrier* certificate in MC 123061 Sub-Nos. 6, 34, 36, 52, and 61 issued February 23, 1962, September 7, 1967, February 14, 1968, April 12, 1971, and January 24, 1973, respectively, authorizing, as pertinent, over irregular

routes of *lumber* and *lumber mill products*. The territorial authorization for these commodities includes points in the States of Oregon, Washington, California, Idaho, Utah, Montana, and Colorado. Petitioner submits that competing carriers have questioned his right to transport particle board, composition board, and fiber board within the scope of its existing commodity authorization of *lumber mill products* without procuring specific authorization from the Commission. Petitioner submits that the manufacture of such particle board, composition board, and fiber board is conducted at the site of a lumber mill, sometimes in a separate building, but invariably at or adjacent to the lumber mill facilities themselves. The materials utilized in the manufacture of the commodities in question are the sawdust, wood fiber, wood particles, and wood chips produced by the lumber mill in the course of its regular operations. These materials are combined through a process performed at the lumber mill and are reduced to sheets comparable in many respects to plywood. Petitioner states that in at least one instance the Commission has ruled that the commodity description "lumber products" does not include authorization for the transportation of particle board. Petitioner indicates that this seems persuasive of his argument, that the commodity description of lumber mill products is in fact much broader than the aforementioned commodity and in fact does include a wide range of products which may be fabricated, manufactured, or produced at the site of a lumber mill. By the instant petition, petitioner (1) seeks a declaratory order on the interpretation of the commodity description *lumber mill products* to determine that said commodity description encompasses authorization for the specific commodities of particle board, composition board, and fiber board and in addition those similar products which are manufactured at or in conjunction with lumber mill operations from wood chips, fibers, particles, and/or sawdust or (2) that the Commission grant to Leatham Brothers authority to transport the said commodities, particle board, composition board, and fiber board by extending their authorization to include these commodities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133157 (NOTICE OF FILING OF PETITION TO MODIFY A TERRITORIAL DESCRIPTION), filed December 28, 1973. Petitioner: JAMES HOAGLAND, doing business as HOAGY WRECKER SERVICE, 5418 Calhoun Street, Fort Wayne, Ind. 46807. Petitioner's representative: James Hoagland (same address as petitioner). Petitioner presently holds a motor *common carrier* certificate in No. MC 133157 issued July 9, 1969, authorizing transportation, over irregular routes, of (1) *Used motor vehicles*, to be used as replacements for wrecked or disabled motor vehicles, in truckaway service, and *motor vehicle parts, accessories, supplies, and materials*, for use in connection with repairing and reconditioning of disabled or wrecked motor vehicles, from points in Allen County, Ind., to points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee; and (2) *wrecked or disabled motor vehicles*, from points in Pennsylvania, Ohio, Michigan, Illinois, Wisconsin, Kentucky, and Tennessee, to points in Allen County, Ind., restricted to traffic by wrecker equipment only. By the instant petition, petitioner seeks to delete Allen County, Ind., as an origin point in (1) above and as a destination point in (2) above, and substitute in lieu thereof, points in Indiana as an origin or destination point as specified above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133916 (PARTIAL CORRECTION OF A NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATE), filed November 19, 1973, published in the FEDERAL REGISTER issue January 16, 1974, and republished, as corrected, this issue. Petitioner: O'NAN TRANSPORTATION COMPANY, INC., P.O. Box 308, Carrollton, Ky. 41008. Petitioner's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101.

NOTE.—The purpose of this partial republication is to indicate that the certificate petitioner is seeking to acquire in the finance proceeding No. MC-F-11988 is No. MC 76264, in lieu of MC-F-6264 as previously published. The rest of the notice remains as originally published.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATION(S) FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIO(S) UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 37327 (Sub-No. 6), filed November 21, 1973. Applicant: PENN EMPIRE TRANSPORT, INC., Livingston Avenue, Jamestown, N.Y. 14701. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown, Jamestown, N.Y. 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture*, (1) between all points in Chautauqua County, N.Y.; (2) from all points in Chautauqua County, N.Y., to points in the following New York Counties: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chemung, Cortland, Delaware, Erie, Fulton, Genesee, Herkimer, Jefferson, Livingston, Madison, Monroe, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Rensselaer, Saratoga, Schenectady, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, Wayne, Wyoming, and Yates; (3) from points in the following New York Counties to points in Chautauqua County, N.Y.: Albany, Allegany, Broome, Cattaraugus, Cayuga, Chemung, Cortland, Erie, Fulton, Genesee, Madison, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Rensselaer, Schenectady, Schuyler, Seneca, Steuben, Tioga, Tompkins, Warren, and Wayne; (4) between points in Cattaraugus County, N.Y.; (5) from points in Cattaraugus County, N.Y., to points in the following New York Counties: Albany, Allegany, Broome, Cayuga, Chemung, Cortland, Erie, Fulton, Madison, Montgomery, Niagara, Oneida, Onondaga, Ontario, Orleans, Schenectady, Schuyler, Stephen, Tompkins, Warren, Wayne, and Wyoming; (6) from points in Broome, Cortland, Herkimer, Madison, Monroe, Oneida, Onondaga, Ontario, Steuben, Warren, and Wayne Counties, N.Y., to points in Cattaraugus County, N.Y.; (7) from points in Onondaga County, N.Y., to points in the following New York Counties: Albany, Broome, Erie, Fulton, Herkimer, Madison, Monroe, Niagara, Oneida, Ontario, and Tompkins; (8) from points in Monroe County, N.Y., to points in Erie and Onondaga Counties, N.Y.; and (9) from points in Erie County, N.Y., to points in Monroe and Onondaga Counties, N.Y.; and (10) from points in Albany County, N.Y., to points in Monroe County, N.Y.; and (B) *refused, returned, rejected, and damaged new furniture*, from the destinations to the origins named in (A) above.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority (a) at points in Chautauqua and Cattaraugus Counties, N.Y., to provide a through service from those points named in 3 and 6 above to New York, N.Y., Camden, N.J., points in Hudson, Essex, and Passaic Counties, N.J., and points in Pennsylvania; and (b) Jamestown, N.Y., to provide a through service from points in New York to Washington, D.C., Baltimore, Md., Wheeling, W. Va., and points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts. The purpose of the instant application is to convert portions of the Certificate of Registration issued to Hector Transportation Co., Inc., in MC 57281 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12054, published in the FEDERAL REGISTER issue of December 5, 1973. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 67121 (Sub-No. 8), filed December 10, 1973. Applicant: HART TRANSPORTATION LINE, INC., 1287 Market Street, Meeker, Colo. 81641. Applicant's representative. Roland Rice, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over

regular and irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment); Irregular Routes (1) between Rifle, Meeker, and Rio Blanco, Colo.; (2) between Grand Junction and Glenwood Springs, Colo., on the one hand, and, on the other, points in Rio Blanco County, Colo.; (3) between points in Rio Blanco County, Colo.; and (4) between points in Rio Blanco County, Colo., on the one hand, and, on the other, all points in Colorado; Regular Routes (1) between Denver, Colo., and Rangely and the Rangely Oil Fields, Colo., serving intermediate points between Rifle and Rangely; From Denver, over Interstate Highway 70 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Colorado Highway 13, thence over Colorado Highway 13 to junction Colorado Highway 64, thence over Colorado Highway 64 to Rangely and the Rangely Oil Fields, and return over the same route; and (2) between junction U.S. Highways 6 and 40 and junction U.S. Highways 6, 40, and Colorado Highway 103: From junction U.S. Highways 6 and 40 (approximately 7 miles west of Denver) over U.S. Highway 6 to junction of U.S. Highways 6, 40, and Colorado Highway 103 (near Idaho Springs, Colo.) and return over the same route, as alternate route for operating convenience only in connection with the carrier's regular-route operations, serving no intermediate points.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to convert the Certificate of Registration issued to MC-67121 (Sub-No. 6) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12103 published in the FEDERAL REGISTER issue of January 23, 1974. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC-F-12106. Authority sought for purchase by DEWEY FREIGHT SYSTEM, INC., 7722 W. 9th Terr., Overland Park, KS 66212, of a portion of the operating rights of STAUFFER TRUCK SERVICE, INC., Route 1, Taylor, MO 63471, and for acquisition by WILLIAM R. DEWEY, also of Overland Park, KS 66212, R. DWAIN DEWEY, 8801 Norwood, Leawood, KS 66206, and ROBERT W. DEWEY, 9406 High Drive, Leawood, KS 66206, of control of such rights through the purchase. Applicants' attorney: Tom B. Kretsinger, 910 Fairfax Bldg., 101 W. 11th St., Kansas City, MO 64105. Operating rights sought to be transferred: *Salt and salt products*, as a *common carrier* over irregular routes, from Kanopolis, Lyons, and Hutchinson, Kans., to points in Illinois (except service to the plant site of Moorman Manufacturing Company, at or near Quincy, Ill.); *fertilizer*, in bulk, restricted against the use of tank vehicles, and *feed* and *fertilizer* in bags, from East St. Louis, Ill., to certain specified points in Missouri; *fertilizer*, in bulk, and in sacks, in vehicles other than hopper-type or tank vehicles, from East St. Louis, Ill., to certain specified points in Missouri; *dehydrated alfalfa meal*, in bulk and in sacks, from Brunswick, Mo., to points in Indiana, and that part of Illinois on and south of U.S. Highway 136 (except Quincy, Ill., and points in the Quincy Commercial Zone), with restrictions. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12107. Authority sought for purchase by CONSOLIDATED CARRIERS CORP., 141 W. 35th St., New York, NY 10001, of the operating rights of GREENBERG'S EXPRESS, INC., also of New York, NY 10001, and for acquisition by HY RUFF, 167-15 12th Ave., Whitestone, NY 11357, THOMAS GAMBINO, 82 Pinehurst St., Lido Beach, NY 11561, and JOSEPH GAMBINO, 82-11 Narrows Ave., Brooklyn, NY 11209, of control of such rights through the purchase. Applicants' attorney: Martin R. Martino, 1025 Connecticut Ave. NW., Suite 907, Washington, DC 20036. Operating rights sought to be transferred: *Wearing apparel, cut and uncut goods, trimmings, buttons, clips, clasps,* and *other articles*, only when such items are utilized in the manufacture of wearing apparel, as a *common carrier* over irregular routes, between New York, N.Y., and specified points in New Jersey; *women's and children's garments*, from points in New Jersey, to New York, N.Y. Vendee is authorized to operate under temporary authority, as a *common carrier* in New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12108. Authority sought for merger by GLOSSON MOTOR LINES, INC., P.O. Box 1328, Lexington, NC 27292, of the operating rights and property of STATE MOTOR LINES, INC., P.O. Drawer 4187, Longview Station, Highway 70, Hickory, NC 28601, and for acquisition by PACEWAY, INC., also of Lexington, NC 27292, CHAMPION INVESTMENTS, INC., 1815 W. Market St., Suite 200, Akron, OH 44313, and CASCADE INDUSTRIES, INC., also of Akron, OH 44313, of control of such rights and property through the transaction. Applicants' attorney: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave., & 13th St. NW., Washington, DC 20004. Operating rights sought to be merged: Under a certificate of registration, in Docket No. MC-120280 (Sub-No. 1) covering the transportation of general commodities, as a common carrier over irregular routes, in interstate commerce, within the State of North Carolina. GLOSSON MOTOR LINES, INC., is authorized to operate as a *common carrier* in North Carolina, Maryland, Virginia, New York, New Jersey, Pennsylvania, Georgia, South Carolina, Connecticut, Missouri, Rhode Island, New Hampshire, Vermont, Massachusetts, Delaware, Florida, Alabama, Kentucky, Tennessee, Ohio, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated September 12, 1973, in No. MC-F-11394. Transferee acquired control of Transferor.

No. MC-F-12109. Authority sought for merger by COASTAL TANK LINES, INC., 215 E. Waterloo Rd., Akron OH 44319, of the operating rights and property of F. J. EGNER & SON, INC., 3969 Congress Parkway, Richfield, OH 44286, and for acquisition by COASTAL INDUSTRIES, INC., also of Akron, OH 44319, of control of such rights and property through the transaction. Applicants' attorney: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603. Operating rights sought to be merged: *Petroleum* and *petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, and numerous other specified commodities, as a *common carrier* over irregular routes, from, to, and between points in the States of Ohio, Michigan, Wisconsin, Iowa, West Virginia, Indiana, Illinois, Connecticut, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, and Tennessee, with a restriction, as more specifically described in Docket No. MC-119829 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of the carrier's operating rights, without stating, in full, the entirety, thereof. COASTAL TANK LINES, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12110. Authority sought for purchase by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901, of the operating rights and property of HARRY N. NICKLAUS AND ALBERT P. NICKLAUS, doing business as NICKLAUS TRANSFER & STORAGE CO., 36th St., and Allegheny Valley Railroad, Pittsburgh, PA 15201, and for acquisition by ARKANSAS BEST CORPORATION, 1000 S. 21st St., Fort Smith, AR 72901, of control of such rights and property through the purchase. Applicants' attorneys: Thomas Harper and Tom Harper, Jr., P.O. Box 43, Fort Smith, AR 72901, and Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between points in Pittsburgh, Pa., between Pittsburgh, Pa., on the one hand, and, on the other, points in Allegheny

County, Pa.; *flour*, from Pittsburgh, McKees Rocks, and Clairton, Pa., to certain specified points in Pennsylvania; *lubricating oil and grease*, in containers, from Pittsburgh, Pa., to certain specified points in Pennsylvania; *chemicals*, from Pittsburgh, Pa., to certain specified points in West Virginia and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Tennessee, Kansas, Missouri, Illinois, Indiana, Kentucky, Ohio, New York, Alabama, Pennsylvania, Michigan, Wisconsin, Iowa, Minnesota, and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–12111. Authority sought for purchase by WIKEL BULK EXPRESS, INC., Route 2, Huron, OH 44839, of a portion of the operating rights of WEBB TRANSFER LINE, INC. (John C. Ryan, Trustee), P.O. Box 2311, Shelbyville, KY 40065, and for acquisition by ROBERT E. WIKEL, also of Huron, OH 44839, of control of such rights through the purchase. Applicants' attorney: Richard H. Brandon, 79 E. State St., Columbus, OH 43215. Operating rights sought to be transferred: *Redried tobacco*, in hogsheads, and agricultural products, as a *common carrier* over irregular routes, between points in Kentucky, Florida, Georgia, Indiana, North Carolina, Ohio, South Carolina, Tennessee, Virginia, West Virginia, and Missouri, traversing Illinois for operating convenience only. Vendee is authorized to operate as a *contract carrier* in Ohio, Indiana, Michigan, Pennsylvania, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12112. Authority sought for purchase by HERMANN FORWARDING COMPANY, P.O. Box 1, North Brunswick, NJ 08902, of the operating rights of HOLLEY'S, INC., Fairground Road, West Kingston, RI 02892, and for acquisition by RICHARD W. AND ALBERT W. HERMANN, both of P.O. Box 1, North Brunswick, NJ 08902, of control of such rights through the purchase. Applicants' attorney: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. N.W., Washington, DC 20005. Operating rights sought to be transferred: *General commodities*, excepting among others, class A and B explosives, livestock, household goods and commodities in bulk, as a *common carrier* over regular routes, between Providence, R.I., and New London, Conn., serving all intermediate points and serving the off-route points in Kent and Washington Counties, R.I.; *household goods* over irregular routes, between points in Washington County, R.I., on the one hand, and, on the other, points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, and Vermont. Vendee is authorized to operate as a *common carrier* in New York, New Jersey, Delaware, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12113. Authority sought for purchase by NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, MN 55359, of the operating rights and property of MABEL LYNN MICHAEL, doing business as MICHAEL'S TRANSFER (NEVIN H. FIERY, Executor), P.O. Box 565, 422 Gray Ave., Winchester, VA 22601, and for acquisition by M. JAMES LEVITUS and B. R. VEACH, INC., both of Maple Plain, MN 55359, of control of such rights and property through the purchase. Applicants' attorney: Donald L. Stern, 530 Univac Bldg., 7100 W. Center Rd., Omaha, NE 68106. Operating rights sought to be transferred: *Apples and peaches*, as a *common carrier* over irregular routes, from Berryville, Timberville, and Winchester, Va., Inwood and Romney, W. Va., and Hancock, Md., to Washington, D.C., Baltimore, Md., Philadelphia and Pittsburgh, Pa., Durham, Greensboro, Rocky Mount, Raleigh, and Winston-Salem, N.C., and points and places in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; *fruit products*, from Winchester and Strasburg, Va., and Martinsburg and Inwood, W. Va., to Washington, D.C., Baltimore and Cumberland, Md., Altoona, Pittsburgh, and Philadelphia, Pa., New Haven, Conn., Providence, R.I., Boston, Mass., Bluefield, Charleston, Clarksburg, Huntington, Parkersburg, and Williamson, W. Va., Dover, Del., Ashland, Ky., and points and places in North Carolina and Virginia and those in the New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665; *frozen foods, primarily fruits and vegetables*, from Winchester, Va., to Washington, D.C., Baltimore and Cumberland, Md., Dover, Del., Altoona, Philadelphia, and Pittsburgh, Pa., Newark, N.J., New Haven, Conn., Providence, R.I., Boston, Mass., Huntington, Bluefield, and Charleston, W. Va., Raleigh, Reidsville, Rocky Mount, Winston-Salem, Durham, and Greensboro, N.C., and points and places in The New York, N.Y., Commercial Zone, as defined by the Commission in 1 M.C.C. 665, from Winchester, Va., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida, from Ranson, W. Va., to points and places in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama, Kentucky, and Florida, between Winchester, Va., and Ranson, W. Va., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Oklahoma, Texas, and Wisconsin, with restriction; *feed, fertilizer, lumber*, and *spray materials*, from Baltimore, Md., to Winchester, Va.; *groceries*, from Baltimore, Md., to Winchester, Va., and Martinsburg, W. Va.; *oil and grease*, from Pittsburgh, Pa., to Winchester and Berryville, Va.; *livestock*, from Winchester and Front Royal, Va., to Baltimore and Westminster, Md., Lancaster, Meyersdale, Chambersburg, Greencastle, Altoona, and Harrisburg, Pa., and Martinsburg, W. Va., from points and places in Berkeley, Jefferson, Morgan, Hampshire, Grant, Hardy, and Mineral Counties, W. Va., to Winchester, Va.; *glass containers*, from Washington, Pa., Fairmont, Grafton, and Huntington, W. Va., to Winchester, Va., and Martinsburg, W. Va.; *household goods*, between Winchester, Va., on the one hand, and, on the other, Washington, D.C., New York, N.Y., and points and places in West Virginia, Maryland, Delaware, Pennsylvania, and New Jersey. Vendee is authorized to operate as a *common carrier* in Minnesota, Arkansas, Kansas, Missouri, Oklahoma, Texas, Colorado, Nebraska, South Dakota, Delaware, Illinois, Indiana, Iowa, Michigan, North Dakota, Ohio, Wisconsin, Maryland, New York, Pennsylvania, Maine, Connecticut, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, California, and the District of Columbia, and as a *contract carrier* in Minnesota, Wisconsin, Texas, Oklahoma, Arkansas, Louisiana, Iowa, Connecticut, Delaware, Maryland, Maine, Massachusetts, New Hampshire New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Missouri, Kansas, Tennessee, Georgia, California, Arizona, Colorado, West Virginia, Texas, Ohio, Illinois, North Dakota, South Dakota, Indiana, Michigan, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12114. Authority sought for purchase by PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, MD 21655, of a portion of the operating rights of EXPRESS/S.D.Z., Irving Klein, Trustee, 280 Broadway, New York City, NY 10007, and for acquisition by N. J. GEHLSEN, C. S. LOMAX, M. G. PIERCE, W. B. POTTER, A. T. BLADES, T. E. FLETCHER, JR., AND A. F. SISK, JR., all of Preston, MD 21655, of control of such rights through the purchase. Applicants' attorneys: William J. Little, and J. M. Dryden Hall, Jr., Suite 1110, Ten E. Baltimore St., Baltimore, MD 21202, Irving Klein, and William Biederman, 280 Broadway, New York City, NY 10007. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Middlesex, Union, Essex, Passaic, Hudson, and Bergen Counties, N.J. Vendee is authorized to operate as a *common carrier* in Maryland, New York, Virginia, Delaware, Pennsylvania, New Jersey, Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island, Vermont Ohio, Michigan, North Carolina, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12115. Authority sought for purchase by ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Ave., Denver, CO 80216, of a portion of the operating rights of ROGERS CARTAGE CO., 10735 S. Cicero Ave., Oak Lawn, IL 60453, and for acquisition by FRONTIER, INC., and ICX INDUSTRIES, INC., both of Denver, CO 80216, and CERRO MOTOR EXPRESS CORPORATION and CERRO CORPORATION, both of 300 Park Ave., New York, NY 10022, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, and Morris Cobb, P.O. Box 9050, Amarillo, TX. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673, between points in Illinois within 50 miles of State and Madison Streets, Chicago, Ill. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Kansas, Illinois, Iowa, Missouri, Nebraska, New Mexico, Texas, Utah, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12116. Authority sought for purchase by ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223, of a portion of the operating rights of ENGEL TRUCKING, INC., P.O. Box 7214, Akron, OH 44306, and for acquisition by R. E. DORAN, R. J. DORAN, and C. M. DORAN, all of Cincinnati, OH 45223, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Machinery*, as a *common carrier* over irregular routes, between points in Chester County, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Maryland, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12117. Authority sought for control by JOHN G. JAMESON, JR., Route 4, Box 108, Waldorf, MD 20601, of BOWIE HALL TRUCKING, INC., P.O. Box 1, Upper Marlboro, MD 20870. Applicants' attorney: Daniel B. Johnson, 716 Perpetual Bldg., 1111 E St., NW., Washington, DC 20004. Operating rights sought to be controlled: *Malt beverages*, as a *contract carrier* over irregular routes, from Newark, N.J., to Upper Marlboro and Leonardtown, Md., from Cranston, R.I., to Upper Marlboro, Md., from Williamsburg, Va., to points in Maryland, with restrictions; and *lumber* (except plywood), *tunnel lagging, equipment mats* and *wood piling*, as a *common carrier* over irregular routes, from points in Prince Georges, Anne Arundel, Calvert, Charles, and St. Marys Counties, Md., to points in Ohio, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island, Massachusetts, and West Virginia, with restriction. JOHN G. JAMESON, JR., holds no authority from this Commission. However, he is affiliated with WALDORF TRANSPORTATION CO., INC., Route 4, Box 108, Waldorf, MD 20601, which is authorized to operate as a *contract carrier* in Pennsylvania, New Jersey, New York, Connecticut, Maryland, Virginia, Delaware, Ohio, West Virginia, Kentucky, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

NOTICE

THE BALTIMORE AND OHIO RAILROAD COMPANY (B&O) hereby gives notice that on the 14th day of January 1974, it filed with the Interstate Commerce Commission in Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the line of railroad of the Penn Central Transportation Company (PC), which application was assigned Finance Docket No. 27563. In accordance with the Commission's regulations (49 C.F.R. 1111.2(13)) as amended May 16, 1972, the applicant states the following:

(1) The name and address of the applicant and its attorneys are:

The Baltimore and Ohio Railroad Company, Two North Charles Street, Baltimore Maryland 21201.

Richard B. Allen, Rene J. Gunning, Attorneys for Applicant, Two North Charles Street, Baltimore, Maryland 21201.

(2) The nature of the proposed transaction is the acquisition of trackage rights by B&O over the line of railroad of PC.

(3)(a) The PC line of railroad over which B&O requests approval and authorization of trackage rights extends from Warwick to Wooster, Ohio, a distance of approximately 21.5 miles, all in Wayne County, Ohio.

(b) B&O presently operates a line of railroad between Lodi and Woosters, Ohio, a portion of which it seeks to abandon in Docket No. AB–19 (Sub-No. 17) in connection with the acquisition of the trackage rights herein.

(4) The description of the involved line of railroad over which trackage rights are sought, including city, county, and state location, termini and approximate distance in miles is set forth above in (3)(a).

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.-250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

THE BALTIMORE AND OHIO RAILROAD COMPANY,
By the Commission.
[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2465 Filed 1–29–74;8:45 am]

[Notice No. 13]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by Division 3 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 General Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before March 1, 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–74440. By order entered January 23, 1974, Division 3, acting as an Appellate Division, approved the transfer to Mid-American Express, Inc., Gothenburg, Nebr., of the operating rights set forth in Certificates Nos. MC–84511 (Sub-No. 26) and MC–84511 (Sub-No. 30), issued December 23, 1966, and October 20, 1967, to Commercial Freight Lines, Inc., Kansas City, Mo., authorizing the transportation of meats, meat products, and meat by-products, and articles distributed by meat-packing houses, as described in Sections A and C of Appendix I of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo., to points in Kansas, Illinois, Indiana, Iowa, and Nebraska, restricted to transportation of traffic originating at the plant site and storage facilities of Missouri Beef Packers, Inc., at or near Phelps City, Mo.; and from the plant or storage facilities of Spencer Packing

Company at Schuyler, Nebr., to points in Illinois, Indiana, Wisconsin, Kansas, and Missouri, restricted to the transportation of traffic originating at the plant or storage facilities of Spencer Packing Company at Schuyler, Nebr.—Frederick J. Coffman, 521 South 14th St. (P.O. Box 80806), Lincoln, Nebr. 68501, attorney for applicants.

No. MC–FC–74503. By order of January 16, 1974, Division 3, acting as an Appellate Division, on reconsideration, approved the transfer to Leo L. Loh, Doing Business As Loh Enterprises, Oakland, Calif., of Certificate No. MC–134297 (Sub-No. 1), issued on December 17, 1970, to S & T Van and Storage Co., Oakland, Calif., authorizing the transportation of used household goods between points in San Francisco, San Mateo, Santa Clara, Contra Costa, and Alameda Counties, Calif.—Loughran, Berol & Hegarty, 100 Bush Street, San Francisco, Calif. 94104.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2459 Filed 1–29–74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice of Filing

JANUARY 25, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 73–247–MP/O, filed September 4, 1973. Applicant: VALDEZ ALASKA TERMINALS, INC., P.O. Box 668, Valdez, Alaska 99686. Applicant's representative: Joseph W. Sheehan, Esquire, P.O. Box 2551, Fairbanks, Alaska 99707. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *Passengers, their baggage and express shipment* by motor bus(s) in intrastate commerce in the classes of service as follows: (a) INTER-URBAN SERVICE: From Valdez via Alaska Highway No. 4 to its junction with Alaska Highway No. 1 at or near Glenallen thence via Highways 1 and 4 to Gakona and return over the same route serving all intermediate points located within five (5) miles laterally along each side of such routes in both directions and the off route point of Chitna and points intermediate thereto via Highway No. 10 (Edgerton Highway). Service shall be provided as required to meet the public need; (b) CHARTER SERVICE is authorized between the points and via the routes specified in paragraph A above; and (c) EXPRESS SERVICE: Transportation of express shipments is authorized in conjunction with and in the same vehicle(s) with passengers without inconvenience to the passengers BETWEEN the points and via the routes set out in paragraph A above. Express shipments are limited to those having a maximum weight of not to exceed one hundred (100) pounds per package and to a maximum weight of five hundred (500) pounds per shipment. Pickup and/or delivery service shall not be accorded express shipments at Gakona, Glenallen, or Valdez. Intrastate, interstate, and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 1000 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C–321 Case No. 6, filed October 25, 1973. Applicant: PARKER MOTOR FREIGHT, INC., Petoskey, Mich. 49770. Applicant's representative: Walter N. Bieneman, 100 W. Long Lake Road, Bloomfield Hills, Mich. 48013. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *commodities generally:* Between the junction of Interstate 75 and U.S. Highway 10 (near Bay City) and the junction of Interstate 75 and U.S. Highway 27 (south of Grayling) via Interstate 75. RESTRICTION: Service over the above described route shall include the right to join such route with otherwise authorized routes but shall be restricted for operating convenience only in the performance of service and subject to the same restrictions between points otherwise authorized. Intrastate, interstate, and foreign commerce authority sought.

HEARING: February 12, 1974, at the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich., at 9:30 A.M. Requests for procedural information should be addressed to the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. MC 2127, filed November 1, 1973. Applicant: GLACIER TRANSPORTATION, a Corporation, 2919 Sixth Avenue North, Great Falls, Mont. 59401. Applicant's representative: Mr. Ray F. Koby, Swanberg, Koby & Swanberg, Montana Building, Great Falls, Mont. 59401. Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *persons, baggage, and express,* as a Class A carrier, over regular routes as follows: From intersection of U.S. No. 89 and Montana No. 216, 9 miles north of Dupuyer, Mont., to Valier, Mont., via Montana No. 216, thence to Cut Bank, Mont., via Montana No. 358, and U.S. No. 2, thence to Browning, Mont., via U.S. No. 2, serving the intermediate and off-route points of Valier, Mont., and Cut Bank, Mont. Intrastate, interstate, and foreign commerce authority sought.

HEARING: February 27, 1974, at the Public Service Commission Conference Room, 1227 11th Ave., Helena, Mont., at 10.00 a.m. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6068 (Sub-No. 1), filed January 3, 1974. Applicant: TENNESSEE MOTOR LINES, INC., Route 9, Holiday Drive, Crossville, Tenn. 38555. Applicant's representative: A. O. Buck, 500 Court Square Building, Nashville, Tenn. 37201. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities,* except household goods, Classes A and B explosives, commodities in bulk and those requiring special equipment, between all points and places in Davidson County, Tenn., and all points and places in Roane County, Tenn.: From Davidson County by U.S. Highway 70 and/or Interstate Highway 40 to Roane County, and return over the same route, utilizing any and all highways and roads in said Davidson County and Roane County, serving no intermediate points between Davidson County and Roane County. Intrastate, interstate, and foreign commerce authority sought. *HEARING:* April 10, 1974, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2461 Filed 1–29–74;8:45 am]

[No. AB–5 (Sub-No. 74)]

PENN CENTRAL TRANSPORTATION CO. ABANDONMENT IN RENSSELAER COUNTY, N.Y.

Upon consideration of the decision of the United States District Court for the Northern District of New York entered August 30, 1973, in Civil Action No. 73–CV–262, *State of New York* v. *United States;* the record in the above-entitled proceeding and of an environmental threshold assessment survey which is available for public inspection upon request and a copy of which shall be lodged with the Court; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Rensselaer County, N.Y., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 23d day of January 1974.

By the Commission.[1]

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-5 (Sub-No. 74)]

PENN CENTRAL TRANSPORTATION CO. ABANDONMENT IN RENSSELAER COUNTY, N.Y.

The Interstate Commerce Commission hereby gives notice that by order dated January 23, 1974, it has been determined that the abandonment in the above-entitled proceeding by the Penn Central Transportation Co. of a line of railroad from Post Road crossing to Rensselaer, Rensselaer County, N.Y., as heretofore approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was determined, among other things, that there was no rail service over the line sought to be abandoned since March 1, 1972, and that up to 90 percent of the line had already been salvaged with removal of rails, ties, and substantial portions of ballast. In addition, there was no evidence that the abandonment as approved, would be inconsistent with definitive regional development plans or that it would interfere with identifiable plans for the possible reinstitution of freight and/or passenger service over the line.

The determination was based upon an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-343-6989, a copy of which additionally shall be lodged with the United States District Court for the Northern District of New York in Civil Action No. 73-CV-262, *State of New York* v. *United States.*

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before February 14, 1974.

[FR Doc.74-2463 Filed 1-29-74;8:45 am]

[1] By Commissioner Tuggle.

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS

Notice of Proposed Rulemaking

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 183]

FINANCIAL ASSISTANCE FOR ENVIRONMENTAL EDUCATION PROJECTS

Notice of Proposed Rulemaking

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92–318) and pursuant to the authority contained in the Environmental Education Act, Public Law 91–516, 20 U.S.C. 1531–1536, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 183 of the Code of Federal Regulations to read as set forth below.

1. *Program purpose.* The Environmental Education Act authorizes a program of grants and contracts to support research, demonstration, and pilot projects designed to educate the public on problems of environmental quality and ecological balance.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations and guidelines proposed below reflect the results of this study as it pertains to the program under the Environmental Education Act. Upon publication of revised Part 183 in final form, after comments and hearing, all preceding rules, regulations, guidelines or other published interpretations and orders issued in connection with or affecting Part 183 will be superseded effective thirty days after such publication.

A notice of proposed rulemaking for the program was published in the FEDERAL REGISTER on April 16, 1973, at 38 FR 9437. This document supersedes that notice; however, comments received under that notice will be considered as though they were submitted with respect to this document.

3. *Effect of Office of Education general provisions regulation.* The proposed regulation differs from the current proposed regulation in that provisions have been deleted relating to general fiscal and administrative matters which are presently covered in 45 CFR Part 183 and which will be covered in the future under the overall Office of Education general provisions regulation, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100a of Title 45 CFR, containing general provisions for direct project assistance programs, which would be applicable to the program under the Environmental Education Act.)

4. *Citation of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations and guidelines as follows:

A hearing will take place at the U.S. Office of Education on February 20, 1974, in the auditorium of Regional Office Building Three (ROB–3), located at 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to Room 2079–G in Federal Office Building Six (FOB–6), 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on Section 503. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9:00 a.m., and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Chairman of the Office of Education Task Force on Section 503 at the above address, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance No. 13.522, Environmental Education Act.)

Dated: November 29, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: January 16, 1974.

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

PART 183—ENVIRONMENTAL EDUCATION

Subpart A—Description of Programs

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AUTHORITY: Public Law 91–516, 84 Stat. 1312–1315 (20 U.S.C. 1531–1536).

Subpart A—Description of Program

§ 183.1 Scope and purpose.

(a) The Environmental Education Act (Public Law 91–516; 20 U.S.C. 1531–1536) authorizes a program of grants and contracts to support research, demonstration, and pilot projects designed to educate the public on the problems of environmental quality and ecological balance. Such projects shall support the development of educational processes dealing with man's relationship with his natural and man-made surroundings, and include the relation of population, pollution, resource allocation and depletion conservation ,transportation, technology, and urban and rural planning to the total human environment. These processes would be designed to help the learner both to perceive and understand the concepts of "environment" and environmental principles and problems and to be able to identify and evaluate alternative solutions to environmental problems. Emphasis shall be placed on the development of skills and insights needed to understand the structure, requirements, and impact within and among various environmental entities, subsystems and systems.

(b) In accordance with this purpose, financial assistance will be provided for projects involving participants in inquiries into both the specific and general environmental implications of human activities and their short and long range effect on societal resources and general public policy. Areas of participant inquiry should encompass or fall within one or more of the following:

(1) The import of the application of scientific and technological findings (e.g., the impact of "inventions" on social and environmental quality and resources).

(2) Human settlements—urban, suburban, and rural (e.g., impact of urban, suburban, and rural balance on ecology of an area and the human condition).

(3) Food production; energy production; population dynamics; transportation; planning—urban, suburban, and rural (e.g., implication of selected interrelated human life support activities).

(4) Air; water—fresh, estuarine, marine; land use; and other resource utilization, allocation, depletion, and conservation; and environmental pollution (e.g., use, depletion, and destruction of life support resources).

Thus the environmental education process is multifaceted, multidisciplinary, and issue or problem-oriented. Otherwise worthwhile but specialized and narrowly defined educational approaches, such as traditional learning approaches to such areas as conservation and resource use, environmental science, nature study, outdoor education, or sex education, which normally tend to exclude consideration of mutually reinforcing social, physical, cultural, and policy implications of these concerns do not adequately meet the scope and purposes of the act. While an environmental education project supported under this part could draw upon some of the ideas and materials of these traditional subject areas, it could do so only in synthesis with ideas and materials from a number of other subject areas, including social sciences, technology, arts and humanities as appropriate and needed for the area of inquiry.

(20 U.S.C. 1532(a)(2))

§ 183.2 Definitions.

As used in this part:

"Act" means the Environmental Education Act (Public Law 91-516; 20 U.S.C. 1531–1536);

"Formal education sectors" means State or local educational agencies or institutions and accredited nonprofit educational institutions;

"Citizen's group or volunteer organization," as referred to in § 183.21(b) means a nonprofit organization, association, foundation, or society which has been organized and active for at least 1 year;

(20 U.S.C. 1534(c))

"Nonformal education sectors" means public or nonprofit private agencies or organizations which contribute, directly or indirectly, to the education of citizens, such as libraries, museums, community centers, organized citizens' groups, etc.;

"Nonprofit organization or agency" means an organization or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1531)

§ 183.3 Categories of assistance.

Applications for financial assistance may be submitted for one or two basic project categories denominated as "General Projects" and "Minigrant (Workshop) Projects." These two basic project categories are distinguished as to purpose and type of activity.

(a) *General projects.* Under this category financial assistance may be awarded for: (1) Projects designed to assist the development of effective environmental education practices and materials suitable for use by formal and/or nonformal education sectors, and (2) projects designed to assist utilization of effective environmental education practices and materials.

(20 U.S.C. 1532)

(b) *Minigrant (workshop) projects.* Under this category, grants in amounts not to exceed $10,000 may be made for the conduct of workshops, seminars, symposiums, and conferences (especially for adults and community groups other than the group funded). The projects must be designed to assist communities in acquiring an understanding of the causes, effects, issues and options surrounding a local environmental problem.

(20 U.S.C. 1534)

§ 183.4 Applications.

(a) Applications shall contain, in the case of minigrant (workshop) project applications, documentary evidence that the applicant organization or group has been organized and active for 1 or more years prior to the submission of the application.

(20 U.S.C. 1532(b)(3)(A)(i))

(b) In addition, applications for assistance under this part must: (1) Provide that the activities for which assistance is sought will be administered by, or set forth the method by which the applicant proposes to supervise the administration of these activities;

(2) Set forth such policies and procedures that assure that the applicant will adequately evaluate activities to be carried out under the application; and

(20 U.S.C. 1532(b)(3)(A)(iii); 1534)

(3) Provide assurance that the applicant will comply with the requirements of the act, the regulations in this part, and general terms and conditions as have been made generally applicable to Office of Education grants.

(c) Application forms are available from and should be submitted to the Office of Environmental Education, U.S. Office of Education, DHEW, 400 Maryland Avenue SW., Code 424, Washington, D.C. 20202.

(20 U.S.C. 1532(b), 1534)

§ 183.5 Level of support.

(a) Except with respect to general projects for evaluation, dissemination (including national demonstration projects), curriculum development, and minigrant (workshop) projects which are eligible for 100 percent funding, the Federal dollar contribution to any project will not exceed the following ceilings:

(1) 80 percent of the project cost for the first year; and

(2) An amount for second and third year funding, not in excess of 60 and 40 percent respectively of the first year project cost.

(b) Within the ceilings set out under paragraph (a) of this section the amount to be awarded for the conduct of a project will be an amount determined by the Commissioner, on the basis of the following factors:

(1) The cost of the project in relation to the total cost of all similar projects;

(2) The availability of funds in the light of the number of approvable projects;

(3) The need for reasonable distribution of funds among the various categories of projects; and

(4) The ability of the applicant to obtain funds from sources other than pursuant to this part.

(c) Funds awarded may be expended only to the extent consistent with the assurance given under § 183.41 and in accordance with subpart G of Part 100a of this chapter (cost principles).

(20 U.S.C. 1532(b)(4))

Subpart B—General Projects

§ 183.10 General projects.

(a) Awards for general projects, as authorized by section 3 of the act, will be made by the Commissioner for research, demonstration or pilot project activities, including but not limited to such activities as:

(1) The development of curricula (including interdisciplinary curricula) in the preservation and enhancement of environmental quality and ecological balance;

(2) Dissemination of information relating to such curricula and to environmental education generally;

(3) In the case of grants to State and local educational agencies, for the support of environmental education programs at the elementary and secondary education levels;

(4) Preservice and inservice training programs and projects (including fellowship programs, institutes, workshops, symposia, and seminars) for educational personnel to prepare them to teach in subject matter areas associated with environmental quality and ecology, and for public service personnel, Government employees, and business, labor and industrial leaders and employees;

(5) Planning of outdoor ecological study centers;

(6) Community education programs on environmental quality, including special programs for adults;

(7) Preparation and distribution of materials suitable for use by the mass media in dealing with the environment and ecology; and

(8) Demonstration, testing, and evaluation of activities, whether or not assisted under this section.

(b) In carrying out the purposes of section 3 of the act, the Commissioner may from time to time establish priorities among activities to be funded in any given year.

(20 U.S.C. 1532(b)(2))

§ 183.11 Applicants.

(a) Applicants for general project awards may be institutions of higher education, State or local educational agencies, and other public and nonprofit private agencies, organizations and institutions including libraries and museums.

(b) The Commissioner reserves the right to make contracts to either profit-making or nonprofit agencies, organizations, or institutions to carry out the purposes of this subpart. Proposals for such contracts will be entertained by the Commissioner on invitation only and in accordance with such specifications as are developed by him.

(20 U.S.C. 1532(b)(1))

Subpart C—Minigrant (Workshop) Projects

§ 183.20 Minigrant (workshop) projects.

The Commissioner is authorized to make grants of $10,000 or less for projects intended to assist communities in acquiring an understanding of the causes, effects, issues and options surrounding a local environmental problem. Such grants will be available for community workshops, conferences, symposia, or seminars on a community/local environmental problem.

(20 U.S.C. 1534)

§ 183.21 Applicants.

(a) An applicant for a minigrant (workshop) project may be any public or nonprofit private organization. However, preference will be given to local citizens groups and volunteer organizations working in the environmental field.

(20 U.S.C. 1534(a) and House Report 91-1362, p. 9)

(b) An applicant group or organization must have been organized and active for at least 1 year before making application for a grant.

(20 U.S.C. 1534(c))

Subpart D—Standards for Awards

§ 183.30 Review of applications.

An application for either a general project or a minigrant (workshop) project under subpart B or subpart C of this part will be reviewed twice. The first basis for review will be for the technical eligibility of the application. The second will be a competitive evaluation of the merit of the proposed project.

(20 U.S.C. 1532(b), 1534)

§ 183.31 Requirement for technical eligibility.

An application for an award under either subpart B or subpart C of this part will be initially considered by the Commissioner if the following conditions are met:

(a) The proposed project activity falls within the scope and meets the purposes described in § 183.1;

(b) The applicant qualified as an eligible applicant under §§ 183.11 and 183.21;

(c) In the case of applications by local school systems, the applicant indicates that the State education agency has received a copy of the proposal for review and comments; and

(20 U.S.C. 1532(b)(3)(B))

(d) The application, whether or not submitted with respect to a project funded in a previous year, complies with the provisions in § 183.4.

(20 U.S.C. 1532(b)(c))

§ 183.32 Criteria for awards.

Applications which have met the requirements listed in § 183.31 will be further evaluated by the Commissioner in addition to the criteria set forth in § 100a.26(b) of this chapter on the extent to which they meet the following criteria as reflected by the particular factors indicated under each criterion, as appropriate.

(a) The project is well designed:

(1) The objective, approach (methodology), and primary content areas/materials to be used or developed by the project are justified in light of target group characteristics and information needs:

(2) The project will utilize appropriate multidisciplinary or interdisciplinary content and approaches;

(3) It involves students or representatives of the target group in planning and conducting the project to assure its relevancy and effectiveness (e.g., potential users of materials, participants in personnel development or community education projects were among the initial project planning group and a mechanism for their continual input has been developed);

(4) It facilitates student/participant involvement with local environmental problems and issues outside the formal education structure and will suggest effective methods for dealing with environmental problems;

(5) It will encourage and assist participants in identifying alternative solutions to environmental problems rather than accepting predetermined solutions;

(6) It focuses on the process of learning as well as specific knowledge content (e.g., a guided process but to a great extent determined by the learner, his past experiences, competencies and interests, and by the objective of the activity);

(7) In the case of materials development projects, provision has been made, and is documented in the proposal, for field testing the material developed;

(8) In the case of personnel development projects, procedures for selecting trainees reflect preproject assessment of group needs and provision has been made for followup assistance to participants.

(b) The project will use innovative techniques and materials;

(c) The environmental education content is sound:

(1) The content of the material to be used or developed by the project will be technically accurate and valid for environmental education purposes (see § 183.1);

(2) The project is concerned with long term as well as immediate environmental improvement.

(d) The project makes use of volunteers (professionals, students and others) when such assistance is available and would enhance the project.

(e) The problems to be addressed by the project are significant educationally and environmentally—that is, the project will address problems and resources which are relevant to the lives and experiences of the participants and will encourage exploration of community environmental problems and use of community resources for the purpose of achieving individual as well as group understanding.

(f) The potential multiplier effect of the project is significant:

(1) The project or its outgrowths can be prepetuated without Federal funding;

(2) In the case of community projects, groups and individuals who are not members of the sponsoring organization are also participating in and supporting the project;

(3) Maximum use will be made of relevant resources of the community to be served including a showing that efforts have been made to contribute resources over and beyond those legally required for Federal funding.

(g) The project promises to be nationally as well as locally significant:

(1) The project will make a substantial contribution toward meeting the national need for environmental education content development and utilization;

(2) The project will help participants recognize the immediate and long-term environmental and educational impact of personal and occupational decisions and policies (e.g., local, national, and international implications);

(3) The applicant will be able and plans to incorporate successful aspects of the project in existing programs and with the resources normally available to it.

(20 U.S.C. 1532(b)(3)(A) and 1532(c)(2)(C))

§ 183.33 Geographic distribution.

In determining awards, the Commissioner will also consider appropriate geographical distribution of approved programs and projects throughout the nation.

(20 U.S.C. 1532(c)(2)(B))

Subpart E—General Terms and Conditions

§ 183.40 General provisions.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1531)

§ 183.41 Supplementation of effort.

(a) Any application for general project funds under this part shall be accompanied by an assurance that Federal funds made available under the application will supplement, and to the extent practicable, increase the amount of funds from non-Federal sources that would, in the absence of such Federal funds be made available for activities under the act and this part, and in no case supplant such funds.

(20 U.S.C. 1532(b)(3)(A)(iv))

(b) In determining whether the assurance under paragraph (a) of this section is adequate, the Commissioner may

request additional data from the applicant as he deems appropriate.

(20 U.S.C. 1532(b)(3)(A))

§ 183.42 Reports.

The grant recipient shall submit an annual report and such other reports, in such form and containing such information as the Commissioner requires.

(20 U.S.C. 1532(b)(3)(A)(vi); 20 U.S.C. 1534(c))

GUIDELINES

ENVIRONMENTAL EDUCATION ACT

[Public Law 91-516]

Financial Assistance for Pilot and Demonstration Projects to Educate the Public on Problems of Environmental Quality and Ecological Balance

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Part 1—Introduction

SECTION 1.1 *Scope of guidelines.* (a) The guidelines contained in this document are recommendations and suggestions for meeting the legal requirements which apply to Federal assistance under the Environmental Education Act, P.L. 91-516. The legal requirements include the Act itself (20 U.S.C. 1531-1536) and the regulations (45 CFR 183). The guidelines are not to be construed as requirements. However, where the guidelines set forth a permissible means of meeting a legal requirement, the guidelines may be relied on.

(20 U.S.C. 1531 et seq.; 113 Cong. Rec. 5936 (daily ed. May 23, 1967); United States *v* Jefferson County Board of Education, 372 F 2nd 836, 857 (1966))

(b) Where a guideline is issued in connection with or affecting a provision in the regulations, the pertinent regulation will be cited after the citation of legal authority for the guideline, in the parentheses following the guidelines. For example, if the legal authority for the guideline is section 2 of the Act (20 U.S.C. 1531), and the guideline affects § 183.1 of the regulations (45 CFR 183.1), the following citation will be placed on the line immediately following the guideline (20 U.S.C. 1531; 45 CFR 183.1). If no particular section of the regulations is affected, no citation to the Code of Federal Regulations (CFR) will be made.

(20 U.S.C. 1232(a))

SEC. 1.2 *History and scope of program.* (a) The Environmental Education Act, enacted in 1970, established an Office of Environmental Education within the Office of Education that was directed to encourage and support the development of educational resources required to meet the environmental education needs of all age groups and all sectors of the country.

(b) The Office of Environmental Education (hereafter in these Guidelines called simply either OEE or the Office) began its work by supporting a wide spectrum of activities to test the full range of environmental education needs and resources around the country.

(c) The initial experimentation and investigation enabled OEE to acquire a wide knowledge of the strengths, weaknesses, gaps, and characteristics of environmental education activities throughout the United States. As a consequence, the Office has been able to refine its overall concept of environmental education. This revision is reflected in the types of environmental education projects that the Office has designated for priority funding.

(20 U.S.C. 1531)

SEC. 1.3 *Purpose of guidelines.* (a) The Guidelines set forth funding priorities (Part 4). The Guidelines also provide an introduction to OEE's concept of environmental education (Part 2) and to its role in the universe of environmental education (Part 3).

(b) The Guidelines are intended as a useful tool for all citizens of every educational level who are interested in utilizing the knowledge, resources, and financial aid of OEE to develop environmental education projects in their communities. Environmental education is an activity where citizens throughout society must both teach and learn if the goal of an environmentally educated public is to be realized.

(20 U.S.C. 1531)

Part 2—Environmental Education

SEC. 2.1 *Background.* Environmental education is a relatively new activity still undergoing important developments in its practical application and theoretical foundations. The interaction of the practical and the theoretical has evolved into two working definitions of environmental education that, taken together, reflect the consensus established among many educators, ecologists, environmentalists, and other citizens concerning the basic aspects of environmental education.

SEC. 2.2 *Working definition: process and theory*—(a) *Multidisciplinary.* (1) Environmental education is the process that fosters greater understanding of society's environmental problems and also the processes of environmental problem-solving and decision-making. This is accomplished by teaching the ecological relationships and principles that underlie these problems and showing the nature of the possible alternative approaches and solutions.

That is, the process of environmental education helps the learner perceive and understand environmental principles and problems, and enables him to identify and evaluate the possible alternative solutions to these problems and assess their benefits and risks. It involves the development of skills and insights needed to understand the structure, requirements, and impact of interactions within and among various environmental entities, subsystems, and systems.

(2) The definition above reveals that environmental education is not a single discipline, but rather is interdisciplinary and multidisciplinary. This characteristic is essential, for in order to accomplish its unique goals, environmental education must utilize at least four broad areas: the total environment and its problems; ecological principles, relationships, and concepts; the entire educational system (both formal and nonformal sectors); and most of the traditional disciplines, from chemistry, physics, and biology to sociology, economics, psychology, and the arts. Each environmental education activity partakes of particular aspects of these areas, fusing them in a manner that makes a greater comprehension and understanding of contemporary environmental issues and problems possible by bringing about deeper awareness of relevant interrelationships and, where appropriate, the nature of possible alternatives to existing environmental situations.

(3) Environmental education deals with problems that we need to understand but that we cannot fully understand through the approach of any single traditional discipline. Environmental education activities thus require considerable intellectual rigor and discipline to utilize the methodologies of traditional approaches: such activities need to impart many of the kinds of intellectual skills that would be needed for the mastery of traditional disciplines. Environmental education activities are also unusual in that they demand as well that the tools of the various disciplines be used in a highly integrative manner.

(4) This working definition also makes clear that environmental education is not only a resource for society in its efforts to solve or deal with contemporary and future environmental problems but also a contribution to greater environmental understanding. Environmental education activities do not promote a particular viewpoint or solution, but rather bring about special awareness, perspectives, and skills. These enable the learner to see that particular issue at hand as a phenomenon related to other phenomena and help him understand the nature of possible approaches to the issue.

(20 U.S.C. 1531(b))

(b) *Problem-solving education.* (1) Environmental education activities should teach, in addition, one or both of the following processes of problem-solving: the intellectual problem-solving that must be learned as a part of the general intellectual discipline required to master relevant methodologies and information and to synthesize them as they are brought to bear on particular environmental issues, and the practical problem-solving that deals with actual environmental, social, and economic factors that must be considered and weighed if rational solutions to environmental problems are being sought. In environmental education activities, problem-solving is emphasized as a process, taught in such a way that it is transferable to other environmental problems and helpful in gaining insight into a variety of environmental phenomena. Environmental education activities, for instance, could help citizens understand cost-benefit analyses and benefit-risk assessments of alternative approaches to an environmental dilemma; thus imparting the ability to find, evaluate, and weigh various solutions, not simply to reply on a particular approach or solution.

(2) In cases where a community environmental problem or issue might be the taking-off point for an environmental education activity, the goal of the activity would be to place the issue in the larger context of environmental relationships and to focus on the process of problem-solving as a transferable learning experience and as a way to utilize the knowledge and techniques available in the traditional disciplines. In this way, citizens would acquire an information and concept base with which to evaluate alternative solutions to any environmental or pollution problems in light of its environmental, social, and economic costs and benefits.

(3) Environmental education is not intended to be tied to specific local problems. Citizen education to bring about greater understanding of immediate problems or to enable citizens to understand a specific problem should lead to additional ways to impart

and acquire the kinds of information, perspectives, and techniques that are essential in developing the environmental awareness and skills that our society needs. These ways may involve an emphasis on learner-directed and discovery-guided inquiry, or innovative and integrative learning outside the classroom approach. They may also operate through more traditional approaches, such as lectures, classroom activities, and other non-experience oriented educational methods if the learner is to attain some of the essential skills, concepts, and facts he needs.

(20 U.S.C. 1531 (b))

SEC. 2.3 *Working definition: content and purposes.* (1) One of the most important concepts in environmental education is the definition of "environment." Clearly environment can no longer be assumed to imply only endangered species and walks in the wilderness; it includes these but is something far more encompassing.

(2) Because the environment itself is so vast and complex, environmental education is much more comprehensive than specialized approaches to environmental subjects, such as traditionally defined approaches to conservation and resource use education, environmental science, nature study, and outdoor education. These approaches normally do not give consideration to mutually reinforcing social, physical, cultural, political, economic, technological, and ethical implications of their areas of focus. It is generally agreed, however, that environmental education projects would undoubtedly draw upon some of the ideas and materials of these traditional subjects and emphases, but would do so in synthesis with ideas and materials from many other areas, such as the social sciences, the applied and theoretical natural sciences, the arts, and other areas of the humanities, all as appropriate and needed for the particular topic of inquiry.

(20 U.S.C. 1531(a))

(b) *Areas of inquiry appropriate to environmental education.* General areas of the natural and man-built environment that would be considered by OEE as suitable areas of inquiry for projects eligible for funds under the Environmental Education Act include: the import of the application of scientific and technological findings; human settlements—urban, suburban, and rural; food production; energy production; population dynamics; transportation; planning—urban, suburban, and rural; air; water—aquatic, estuarine, marine; land use and other resource utilization, allocation, depletion, and conservation; and environmental pollution.

Of course, while an environmental education activity would usually have its focus in only one of these areas, it would include aspects of more than one, and often several, of the areas in an integrative fashion. The areas themselves are separately defined for the sake of convenience only; in reality, they are all interconnected. It is this interwoven quality and the balances and relationships among areas that environmental education deals with.

(1) *Example: population dynamics.* A project addressing, within the area of population dynamics, the causes and consequences of population change would need to examine several interrelationships, including the mutual impacts of population increase or decrease and such areas as rural-urban shifts (human settlements), resource use and allocation, economic and social patterns, and environmental pollution.

(2) *Example: transportation.* If some aspect of transportation is chosen as an area for an environmental education activity, the following kinds of questions would have to be examined, as appropriate to the activity: what are the impacts of present transportation modes on environmental pollution, land use planning, resource allocation, contributions to perceptions of crowding and actual crowding? Are there alternatives to existing transportation technologies and what are their drawbacks and benefits? What are the implications of implementing one or more alternative means of transportation on a local, regional, or national level? What economic and other trade offs would be involved? What types of planning would be needed? Does the examination of the alternatives and of the types of planning impart information, stimulate awareness, and provide opportunities for problem-solving rather than promote a particular view, bias, or misleading simplified version of the situation?

(3) *Example: conservation.* (i) If some aspect of conservation is chosen as an area for an environmental education activity, the following represent the kinds of interrelationships and questions that would need examination. What are the impacts of technological development (science and technology) on the use and allocation of natural resources? What might be the mutual impacts of alternative natural resource use and allocation practices and human settlements, population change, and the economic characteristics of a community or society? What are the relative benefits and risks among these alternatives?

(ii) One of the chief goals of environmental education is to help us learn how to proceed as a society toward a condition of "productive harmony" with our environment, where destructive change is minimized and healthy change can proceed.

(iii) Through environmental education, we can learn how to explore the implications of our activities and the choices we have, and can establish a pattern of feedback to help us constantly reassess our activities. This would be the process of "continuous social diagnosis" that was emphasized in the approved recommendations of the United Nations Conference on the Human Environment in Stockholm in June 1972. It was stated that such continuous social diagnosis should "facilitate the development of social and cultural indicators for the environment in order to establish a common methodology for assessing environmental developments." Such a process can give us the knowledge to change course where necessary, minimize undesirable effects, and maintain a dynamic, productive, and health relationship with our environment.

(20 U.S.C. 1532(a)(2); 45 CFR 183.1)

PART 3—ROLE OF THE OFFICE OF ENVIRONMENTAL EDUCATION

SEC. 3.1 *Overview.* At present, there is agreement concerning what environmental education should achieve and the most promising approaches for obtaining the desired goals. This knowledge has been acquired as the public, private and public institutions, and the Office of Environmental Education have explored the scope, purposes, and general concepts and characteristics of environmental education and worked with a variety of environmental education programs. It is clear, however, that, as the national experience increases and changes, current concepts, definitions, and priorities will be revised accordingly.

The role of the Office of Environmental Education is to provide a coherent framework of leadership and support for this complex and massive educational effort. The current plan for accomplishing long-term environmental education goals is based on the premise that, in addition to the development of new environmental education resources, full utilization of existing resources must be facilitated. The plan entails assistance, technical assistance, evaluation, and dissemination.

(20 U.S.C. 1532(a)(1))

SEC. 3.2 *Financial assistance* (a) *Grant support.* One function of OEE is to administer the program of grants authorized by the Environmental Education Act.

These funds are given to support a variety of environmental education projects that meet the requirements and criteria set by the Office and by the National Advisory Council on Environmental Education and that are judged to have significant value to the public. When individual citizens, community groups, and public and private institutions are developing their own local, regional and national programs, there should be available to them a variety of tested, relevant, and useable models that they can use or adapt to provide structure, process, and substance to various key aspects of their particular program. These models would include curriculum, source material, and methods for training educational and noneducational personnel. Therefore, the Office supports pilot and demonstration projects which promise to be successful in meeting the local need for which they were developed, but that are also applicable to program development needs in other locations and nationally.

(b) *Attract support from other sources.* Environmental Education Act funds are intended to attract longer-term and more substantial assistance to local project sites. This support would include financial assistance as well as other forms of aid to be obtained from all sources, both private and governmental, local, regional, and national. It is hoped that contributions from such sources will assure that adequate resources for development are available even though Environmental Education Act funds are limited, and will encourage the continued development and implementation of programs. A variety of projects, both those that were successful in Environmental Education Act grant competitions and those that were not, have reported success in acquiring private foundation, State, or local funds.

(20 U.S.C. 1532(b)(3)(A)(iv))

SEC. 3.3 *Technical assistance.* The technical assistance program of OEE is concerned primarily with helping persons, institutions, and communities involved in environmental education activities to identify and make use of resources and expertise available to them locally or from other sources. Generally this aspect of OEE's program does not include direct funding to local projects. Rather, the services of technical assistance teams or individuals located throughout the country will be provided upon request, subject to environmental education priority needs.

(20 U.S.C. 1533)

SEC. 3.4 *Dissemination and evaluation.* High priority is being given to the continual assessment of environmental education needs and resources, evaluation of these resources, and establishment of effective means for pooling ideas, experiences, and resources throughout the country. These activities will be sponsored by the Office of Education and therefore are not being given priority in the annual grant competition.

(20 U.S.C. 1532(b)(2))

Part 4—Funding Priorities for Fiscal Year 1974

SEC. 4.1 *General projects.*—(a) *Objectives.* General projects should be designed to assist the development of effective environmental education practices and materials suitable

for use by formal and/or nonformal education sectors.

Financial assistance may also be awarded for projects designed to assist the utilization of effective environmental education processes, practices, and materials.

"Formal education sectors" means all public and nonprofit private accredited educational agencies, institutions, and organizations; "nonformal education sectors" means public or nonprofit private agencies or organization that contribute, directly or indirectly, toward the education of citizens, such as libraries, museums, community centers, organized citizens' groups, and similar organizations.

(20 U.S.C. 1532(b)(2))

(b) *Priority areas for funding.* (1) *Resource material development projects.* Resource material development projects foster the development of supplementary, guide, or curriculum materials, primarily for one or more grades, at the junior and senior high school level (grades 7–12) and for nonformal/community education.

The projects should focus on the material resource needs of specific schools or organizations while at the same time developing these materials in such a way that they can be used by a large number of schools and organizations around the country.

(2) *Personnel development projects.* Personnel development projects are designed primarily for educational personnel associated with grades 7 through 12 and for personnel in other fields whose decisions and activities have an impact on environmental problems and environmental education opportunities in schools, communities, and elsewhere.

The purpose of personnel development projects should be to provide participants with skills and techniques in communicating environmental principles and concepts to others and in utilizing these concepts within the framework of their jobs.

(3) *Community education projects.* Community education projects are designed to test or demonstrate promising methods of providing broad sectors of a community with an understanding of environmental principles, concepts, and problems.

Such projects should focus on the local environment and local environmental problems as they relate to local needs, public policies, and laws.

(4) *Elementary and secondary education projects.* Elementary and secondary education projects are sponsored primarily by local school districts and are designed to assist the introduction of environmental education concepts into the existing curriculum of the school district.

Such project will deal with community environmental problems and will be conducted and in many cases designed by students.

(20 U.S.C. 1532(b)(2))

(c) *Non-priority areas.* Grant assistance may be considered for nonpriority environmental education general projects if funding is available and if such projects show unusual potential in advancing the art of environmental education. Nonpriority general project activities include information dissemination relating to environmental education curricula; preservice training programs; planning of outdoor ecological study centers; preparation of environmental education materials for use by the mass media; and evaluation of environmental education activities.

SEC. 4.2 *Minigrant workshops.* (a) Examples of minigrant workshops may include:

(1) Workshops for community residents on the positive and negative environmental, economic, and social effects of a proposed industrial air pollution ban;

(2) Symposia on the—past, present, and future—impacts of community population distribution and change on the physical, economic, and social environment of the community;

(3) Seminars on the environmental implications of alternative urban renewal or land use plans; or

(4) Conferences on community energy needs, current use patterns, and alternatives.

(20 U.S.C. 1534(a); 45 CFR 183.20)

(b) The specific objective of any such project might be that of assisting citizen participation in the determination of local policies and practices which impact on the environment, or it might address the resolution of a specific issue. Activities might include such things as: a survey of target group knowledge of and attitude toward the issue to be addressed, followed by the conduct of town or neighborhood meetings for discussion sessions with representatives of various interests involved and with technical and environmental impact experts: a community symposium to translate in lay terms and disseminate the impact of new local, State, regional or Federal laws or standards on local environmental resources and needs.

(20 U.S.C. 1534(a); 45 CFR 183.20)

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PART III

FEDERAL COMMUNICATIONS COMMISSION

■

EMERGENCY BROADCAST SYSTEM

Revision of Regulations

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-56]

PART 73—RADIO BROADCAST SERVICES

Emergency Broadcast System (EBS)

In the matter of general revision of Subpart G, Part 73 of the Commission's rules and the Standard Operating Procedures, to update and simplify the rules governing the Emergency Broadcast System (EBS).

1. Efforts are being expended on a continuing basis to update and simplify the Rules and Regulations and the Standard Operating Procedures (SOP's) governing the operation of the Emergency Broadcast System (EBS). Changes to the rules and SOP's are made in conjunction with recommendations submitted by Working Groups I and V of the Broadcast Services Subcommittee, National Industry Advisory Committee (NIAC) and are as indicated below:

(a) Modifications are made to reflect the inclusion of National Public Radio (NPR) and Public Broadcast Service into the EBS.

(b) Section 73.901, *Scope of Subpart,* has been modified and an authority statement has been included.

(c) The definition for Emergency Broadcast System has been moved from § 73.914 to § 73.903 since this definition is the key to all actions in the subpart.

(d) Section 73.905 *Emergency Action Notification System,* has been deleted while incorporating, in § 73.931, the various dissemination methods by which all licensees and regulated services of the FCC and participating non-government industry entitles are notified of the existence of emergency situations. The use of the term Emergency Action Notification System has led to confusion in the past and is therefore eliminated to provide for better understanding.

(e) The definition for Emergency Action Notification (EAN) has been moved from § 73.907 to § 73.905 since the EAN is a key element in the EBS.

(f) Section 73.908 *Emergency Action Condition,* has been eliminated. This term is considered to be unnecessary.

(g) Section 73.908 *Emergency Action Condition Termination,* has been retitled "Emergency Action Termination," to conform to elimination of § 73.908.

(h) Section 73.914 *Emergency Action Checklist for the Emergency Broadcast System (EBS),* has been retitled "EBS Checklist" and renumbered as § 73.910.

(i) The former § 73.910 has been eliminated and the publication, Detailed Non-government Activation and Termination Procedures for the Emergency Broadcast System, has been revoked. All material in this publication appears in other readily available documents such as the rules and regulations and the Standard Operating Procedures.

(j) The definition for the Standard Operating Procedures (SOP's) and Authentication Word Lists formerly combined in § 73.911 have been separated and are now in § 73.911 *Standard Operating Procedures* and § 73.912 *Authenticator Word Lists.* The Standard Operating Procedures (SOP's) have been changed to reflect three SOP's used in conjunction with the EBS as opposed to the two SOP's previously in use. SOP–1, EBS Activation and Termination Procedures, is used during an actual activation of the EBS. SOP–2, Test Procedures, formerly incorporated in SOP–1, is used during tests of various facets of the EBS. SOP–3, Backup Procedures, contains the information found in former SOP–3.

(k) The definitions under § 73.917 *Primary Station Emergency Broadcast System (EBS) Authorization* and § 73.918 *Alternate Station Emergency Broadcast System (EBS) Authorization,* have been incorporated into § 73.917 *Primary or Alternate Station—Emergency Broadcast System (EBS).*

(l) The definitions under § 73.919 *Primary Relay Station Emergency Broadcast System (EBS) Authorization* and § 73.920 *Alternate Relay Station Emergency Broadcast System (EBS) Authorization* have been incorporated into § 73.918 *Primary Relay or Alternate Relay Station—Emergency Broadcast System (EBS).*

(m) Section 73.921 *Non-Participating Station,* has been renumbered as § 73.919 for editorial purposes.

(n) Former § 73.922 *Detailed State Emergency Broadcast System (EBS) Operational Plan,* has been redesignated as § 73.920 and the word "Detailed" eliminated.

(o) Former § 73.923 *Operational (Local) Area,* has been renumbered § 73.921 for editorial purposes.

(p) Former § 73.924 *Common Program Control Broadcast Station,* has been renumber § 73.922 and the title changed to read "Common Program Control Station (CPCS)".

(q) Section 73.923 *State Relay Network* and § 73.924 *State Network Primary Control Station,* have been added to the definitions. These terms were both formerly and currently used and definitions are necessary to ensure clarity.

(r) Section 73.931 is retitled, "Dissemination of Emergency Action Notification," vice Notification of Emergency Action Condition, to conform to elimination of § 73.908.

(s) In § 73.933, the announcements previously found therein have been eliminated. Reference is made to the EBS Checklists where they may be readily located.

(t) Section 73.934 *Termination of Emergency Action Condition* has been deleted and the instructions for termination of an emergency situation have been incorporated in § 73.933.

(u) The titles to §§ 73.936 and 73.937 have been modified to eliminate the words "Action Condition". In addition, the announcements contained in these sections have been deleted since they appear in the EBS Checklists and reference to this fact has been made in the appropriate paragraphs.

(v) Section 73.961 has been retitled, "Tests of the Emergency Broadcast System Procedures." Further, initiation of separate AP and UPI Test Transmissions to AM, FM and TV broadcast stations on the Radio Wire Teletype Networks is now a maximum of twice a month on a random basis at times of their choice in lieu of the previous requirement for weekly tests.

(w) Section 73.962 now makes provision for random or scheduled Closed Circuit Tests of the EBS. Unless a random Closed Test has been selected, the FCC will notify the Networks AT&T and Wire Services of the selected time window for the test four working days (holidays excluded) prior to the test. Also, a termination message has been added to the Closed Circuit Test procedures to bring this test into conformity with an actual EBS operation.

(x) Standard Operating Procedures. (1) As indicated above, the three SOP's are now provided for.

(2) The SOP's are reformed to permit operators to follow step-by-step procedures to insure compliance with requirements.

(3) The Weekly AP and UPI Test Transmission is redesignated the Periodic AP and UPI Test Transmission.

(4) SOP–3 is amended to provide for a Closed Circuit Test Termination Message.

2. Because of the amendments to Subpart G, it is necessary to make editorial changes to §§ 73.98 (b) and (g), 73.298 (b) and (f), 73.597 (b) and (f) and 73.675 (b) and (f).

3. *It is ordered,* That effective March 15, 1974, Part 73 of the Commission's rules and regulations is amended as set forth in Appendix A and the Standard Operating Procedures are approved as set forth in Appendix B.

4. Authority for these amendments is set out in section 1, 4 (i) and (o), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154 (i) and (o), and 303(r). Because these amendments are procedural in nature, the prior notice provisions of 5 U.S.C. 553 are inapplicable.

Adopted: January 9, 1974.

Released: January 23, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

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

APPENDIX A

Part 73 of 47 CFR Chapter I is amended, as follows:

1. In § 73.98 paragraphs (b) and (g) are amended to read as follows:

§ 73.98 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(g) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

2. In § 73.298 paragraphs (b) and (f) are amended to read as follows:

§ 73.298 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

3. In § 73.597 paragraphs (b) and (f) are amended to read as follows:

§ 73.597 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

4. In § 73.675 paragraphs (b) and (f) are amended to read as follows:

§ 73.675 Operation during emergency.

* * * * *

(b) When emergency operation is conducted under a State-Level EBS Operational Plan, the attention signal described in § 73.906 may be employed.

* * * * *

(f) If the Emergency Broadcast System (EBS) is activated at the National-Level while non-EBS emergency operation under this section is in progress, the EBS shall take precedence.

5. Subpart G of 47 CFR Part 73 is revised to read as follows:

Subpart G—Emergency Broadcast System

SCOPE AND OBJECTIVES

Sec.

73.901 Scope of Subpart.
73.902 Objectives of subpart.

DEFINITIONS

73.903 Emergency Broadcast System (EBS).
73.904 Licensee.
73.905 Emergency Action Notification (EAN).
73.906 Attention Signal.
73.909 Emergency Action Termination.
73.910 EBS Checklist.
73.911 Standard Operating Procedures (SOP's).
73.912 Authenticator Word Lists.
73.913 Basic Emergency Broadcast System (EBS) Plan.
73.915 NIAC Order.
73.916 Emergency Broadcast System (EBS) Authorization.
73.917 Primary or Alternate Station—Emergency Broadcast System (EBS).
73.918 Primary Relay or Alternate Relay Station—Emergency Broadcast System (EBS).
73.919 Non-Participating Station.
73.920 State Emergency Broadcast System (EBS) Operational Plan.
73.921 Operational (Local) Area.
73.922 Common Program Control Station (CPCS).
73.923 State Relay Network.
73.924 State Network Primary Control Station.
73.925 Emergency Broadcast System (EBS) Programming Priorities.

PARTICIPATION

73.926 Participation in the Emergency Broadcast System (EBS).
73.927 Participation by Communications Common Carriers.

EMERGENCY ACTIONS

73.931 Dissemination of Emergency Action Notification.
73.932 Radio Monitoring Requirement.
73.933 Emergency Broadcast System (EBS) Operation During A National-Level Emergency.

DAY-TO-DAY EMERGENCY OPERATION

73.935 Day-to-Day emergencies posing a threat to the safety of life and property; State-Level and Operational (Local) Area-Level Emergency Action Notification.
73.936 Emergency Broadcast System (EBS) Operation During A State-Level Emergency.
73.937 Emergency Broadcast System (EBS) Operation During An Operational (Local) Area-Level Emergency.

TESTS

73.961 Tests of the Emergency Broadcast System Procedures.
73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

SCOPE AND OBJECTIVES

§ 73.901 Scope of subpart.

This subpart contains rules and regulations providing for an Emergency Broadcast System (EBS). It applies to all broadcast stations under FCC jurisdiction, and is issued under authority of sections 1, 4 (i), (o) and 303(r) of the Communications Act of 1934, as amended.

§ 73.902 Objectives of subpart.

The objectives of this subpart are to provide a means for the distribution of Emergency Action Notifications and Emergency Action Terminations to licensees and regulated services of the Federal Communications Commission, non-government industry entities, and to the general public. Provision is also made for operation of participating broadcast stations and other non-government industry entities on a voluntary, organized basis during emergency situations for the purpose of providing the President and the Federal government, as well as heads of State and local governments, or their designated representatives, with a means of communicating with the general public. Participation in the EBS at the State and Operational (Local) Area levels is at the discretion of broadcast station management.

DEFINITIONS

§ 73.903 Emergency Broadcast System (EBS).

The EBS is composed of AM, FM and TV broadcast stations and non-government industry entities operating on a voluntary, organized basis during emergencies at National, State or Operational (Local) Area levels.

§ 73.904 Licensee.

The term "Licensee" as used in this subpart means the holder of a broadcast station license granted or continued in force under authority of the Communications Act of 1934, as amended. Such licensees include any AM, FM, or TV station holding a valid license, program test authorization, or other authorization permitting regular broadcast operation.

§ 73.905 Emergency Action Notification (EAN).

The Emergency Action Notification (EAN) is the notice to all licensees and regulated services of the FCC, participating non-government industry entities, and to the general public, of the existence of an emergency situation. The EAN is distributed to non-government entities only in accordance with § 73.931.

§ 73.906 Attention Signal.

The signaling arrangement whereby muted receivers maintained by AM, FM, and TV broadcast stations are activated for the receipt of emergency cueing announcements and broadcasts, is as follows:

(a) Cut the transmiter carrier for 5 seconds. (Sound carrier only for TV stations.)

(b) Return carrier to the air for 5 seconds.

(c) Cut transmitter carrier for 5 seconds. (Sound carrier only for TV stations.)

(d) Return carrier to the air.

(e) Broadcast 1,000 hertz steady-state tone for 15 seconds.

§ 73.909 Emergency Action Termination.

The Emergency Action Termination is the notice to all licensees and regulated services of the FCC, participating non-government industry entities and to the general public of the termination of an emergency situation. This termination is distributed to non-government entities in accordance with this subpart of the rules and regulations and will be disseminated in the same manner as the dissemination of the EAN.

§ 73.910 EBS Checklist.

This is a document to be posted at broadcast operating positions of AM, FM, and TV broadcast stations. It states in summary form the actions to be taken by that station's personnel upon receipt of the Emergency Action Notification, Termination or Test Messages.

§ 73.911 Standard Operating Procedures (SOP's).

The SOP's contain detailed operational instructions which are used for activating, terminating and testing the National-Level EBS. They are issued by the FCC to specified control points of the national Radio and Television Broadcast Networks (ABC, CBS, MBS, NBC, NPR, UPI-Audio, ABC–TV, CBS–TV, NBC–TV and PBS), the American Telephone and Telegraph Company (AT&T), the Associated Press (AP) and the United Press International (UPI).

(a) *SOP–1, EBS Activation and Termination Procedures.* This SOP contains the detailed operational and authentication procedures for activation, operation, and termination of the EBS in response to an actual National emergency situation.

(b) *SOP–2, EBS Test Transmissions.* This SOP contains the detailed operational and authentication procedures for testing the EBS.

(c) *SOP–3, EBS Backup Procedures.* This SOP contains the detailed operational and authentication procedures to be used in event the procedures in SOP–1 cannot function.

§ 73.912 Authenticator word lists.

These lists are issued every six months by the FCC and are used in conjunction with procedures contained in the EBS Checklist and SOP's for tests or actual National emergency situations.

(a) *EBS Authenticator List—Red Envelope.* This document is used for authentication purposes in conjunction with the procedures contained in EBS Checklists, SOP–1, SOP–2, and SOP–3. It is issued to all broadcast stations and specified control points (National Radio and TV Broadcast Networks, AT&T and AP/UPI).

(b) *EBS Authenticator List (Voice)—White Envelope.* This document is used for caller identification purposes in conjunction with the procedures in SOP–3 and is issued to the above specified control points.

§ 73.913 Basic Emergency Broadcast System (EBS) plan.

The Basic EBS Plan contains guidance to all non-government entities for the distribution of emergency information and instructions covering a broad range of emergency contingencies posing a threat to the safety of life or property.

§ 73.915 NIAC order.

This is a service order previously filed with AT&T providing for program origination reconfiguration of the major Radio and Television Networks voluntarily participating in the National-Level EBS. Participating networks are:

(a) American Broadcasting Company (ABC and ABC–TV).

(b) Columbia Broadcasting System (CBS and CBS–TV).

(c) Intermountain Network (IMN).

(d) Mutual Broadcasting System (MBS).

(e) National Broadcasting Company (NBC and NBC–TV).

(f) National Public Radio (NPR).

(g) Public Broadcast Service (PBS).

(h) United Press International Audio (UPI–Audio).

NIAC Orders must meet White House Requirements and will be activated only in accordance with the FCC Rules and Regulations.

§ 73.916 Emergency Broadcast System (EBS) Authorization.

(a) This authorization is issued by the FCC to licensees of broadcast stations to permit operation on a voluntary, organized basis during a National emergency consistent with the provisions of this subpart of the rules and regulations. This authorization will remain in effect during the period of the initial license and subsequent renewals unless returned by the holder or suspended, modified or withdrawn by the Commission.

(b) Authorizations are issued to one or more broadcast stations for participation in the National-Level EBS as Primary or Alternate Stations or Primary Relay or Alternate Relay Stations.

(c) An EBS Authorization is not required in order to participate on a voluntary, organized basis in State and Operational (Local) Area Emergency Broadcast System operations as set forth in § 73.935.

§ 73.917 Primary or Alternate Station-Emergency Broadcast System (EBS).

(a) A Primary Station broadcasts a common emergency program for the duration of the activation of the National-Level EBS. The EBS transmissions of such stations are intended for direct public reception.

(b) An Alternate Station removes its carrier from the air during the activation period, and stands by in operational readiness to assume broadcasting responsibilities in the event the Primary Station is unable to carry out its operational functions.

§ 73.918 Primary Relay or Alternate Relay Station-Emergency Broadcast System (EBS).

(a) A Primary Relay Station is an FM or TV station responsible for relay service of National-Level common emergency programming and also functions as a part of a State Relay Network.

(b) An Alternate Relay station removes its carrier from the air during the activation period, and stands by in operational readiness to assume broadcasting responsibilities in the event the Primary Relay Station is unable to carry out its operational function.

§ 73.919 Non-participating Station.

This is a broadcast station which is not voluntarily participating in the National-Level EBS and does not hold an EBS Authorization. Such stations are required to remove their carriers from the air and monitor for emergency action termination in accordance with the instructions in the EBS Checklist for Non-Participating Stations.

§ 73.920 State Emergency Broadcast System (EBS) Operational Plan.

This plan contains the necessary guidance for State and Local officials to communicate with the general public during a State or local emergency situation.

§ 73.921 Operational (Local) Area.

This is a geographical area which encompasses a number of contiguous communities, as determined by the State Industry Advisory Committee (SIAC) and as shown in the State EBS Operational Plan.

§ 73.922 Common Program Control Station (CPCS).

This is the Primary Station in an Operational (Local) Area which is responsible for coordinating the carriage of a common emergency program for its area. If it is unable to carry out this function other Primary and Alternate Stations in progressive order in the Operational (Local) Area will be assigned the responsibility as indicated in the State EBS Operational Plan.

§ 73.923 State Relay Network.

A State Relay Network is a relay network composed primarily of FM stations and, if necessary, augmented by TV stations and leased common carrier communications facilities, for disseminating statewide emergency programming orginated by the Governor or his designated representatives.

§ 73.924 State Network Primary Control Station.

A State Network Primary Control Station is an FM station that acts as the originating station for the State Relay Network, and is programmed directly by the Governor or his designated representatives. A TV station may also fill the function in event no qualified FM station is available.

§ 73.925 Emergency Broadcast System (EBS) Programming Priorities.

(a) Program priorities for EBS are as follows:

Priority One—Presidential Messages.
Priority Two—State Programming.
Priority Three—Operational (Local) Area Programming.
Priority Four—National Programming and News.

(b) Participating stations that remain on the air during a National emergency situation must carry Presidential Messages "live" at the time of transmission. Activation of the National-Level EBS will preempt operation of the State or Operational (Local) Area EBS.

(c) During a National emergency the Radio and Television (aural) Broadcast Network program distribution facilities shall be reserved exclusively for the distribution of Presidential Messages and National Programming and News. National Programming and News which is not broadcast at the time of original transmission shall be recorded locally by the CPCS for broadcast at the earliest opportunity consistent with Operational (Local) Area requirements.

PARTICIPATION

§ 73.926 Participation in the Emergency Broadcast System (EBS).

(a) The FCC will send to new licensees an EBS authorization and a letter requesting their voluntary participation in the EBS. Stations are requested to accept or decline this authorization within 30 days of receipt. Should the request be declined, the EBS Authorization should be returned to FCC. In either event, an appropriate EBS checklist and EBS station designation will be forwarded to the station manager.

(b) Any existing licensee who is not already a participant and desires to participate voluntarily in the National-Level EBS must submit a written request to FCC. The FCC may then issue an EBS Authorization.

(c) Any station may withdraw from EBS participation by giving 30 days written notice and by returning its EBS Authorization to the FCC.

(d) Any station that is denied participation in the National-Level EBS for any reason may apply to the Commission for review of the staff denial in accordance with § 1.115 of this chapter.

(e) Any AM, FM, or TV broadcast station licensee may, at the discretion of management, voluntarily participate in the State-Level and Operational (Local) Area-Level EBS in accordance with the provisions of the State EBS Operational Plan. An EBS Authorization is not required.

§ 73.927 Participation by Communications Common Carriers.

(a) Communications common carriers which have facilities available in place may, without charge, connect an independent broadcast station to networks operated by ABC, CBS, IMN, MBS, NBC, NPR, or PBS for the duration of a National Emergency; provided the station possesses an EBS Authorization and has in service a local channel from the station studio or transmitter directly to the nearest telephone company Principal Central Office (toll test).

(b) During the activation of the National-Level EBS, communications common carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order from the nearest Exchange to a selected Test Center and then to the Radio and Television (aural) Broadcast Networks for the duration of the emergency; provided that:

(1) The originating source has in service a local channel from the originating point to the nearest Exchange.

(2) A NIAC Order covering this service is requested by the White House.

(c) Upon receipt of the Emergency Action Termination the communications common carriers shall:

(1) Disconnect the participating independent station.

(2) Disconnect the origination source.

(3) Restore the networks to their original configurations.

(d) During Closed Circuit Tests of the National-Level EBS using NIAC Orders, communications common carriers which have facilities in place may, without charge, connect an originating source associated with an appropriate NIAC Order from the nearest Exchange to a selected Test Center, and then to the Radio Networks. No participating independent station may be connected during the test unless authorized by the FCC. Upon termination of tests the Radio Networks shall be restored to their original configuration.

(e) Every such carrier rendering any such free service shall make and file, in duplicate, with the FCC, on or before the 31st day of July and on or before the 31st day of January of each year, reports covering the periods of 6 months ending on the 30th day of June and the 31st day of December respectively, next prior to said dates. These reports shall show in detail what free service was rendered pursuant to this rule and the charges in dollars which would have accrued to the carrier for such services rendered if charges therefor had been collected at the published tariff rates.

EMERGENCY ACTIONS

§ 73.931 Dissemination of Emergency Action Notification.

(a) *National-Level.* The Emergency Action Notification (EAN) will be released at this level upon request of the White House. The EAN message is disseminated from the origination point on a dedicated teletypewriter network to control points of the Radio and TV Broadcast Networks (ABC, CBS, MBS, NBC, NPR, UPI-Audio, ABC–TV, CBS–TV, NBC–TV and PBS), AT&T, AP and UPI. The EAN is then further disseminated as follows by:

(1) The internal alerting facilities of the Radio and Television Broadcast Networks to all affiliates.

(2) The AP/UPI Radio Wire Teletype Networks to all subscribers (AM, FM, TV broadcast and other stations).

(3) Off-the-air monitoring of AM, FM, and TV broadcast stations and other licensees and regulated services.

Receipt of the EAN via any one of the above arrangements is sufficient to begin emergency actions set forth in § 73.933.

(b) *State-Level.* The dissemination arrangements for the EAN at this level originate from State authorities to the State Network Primary Control Station. The management of this station may, at its discretion, release the EAN at this level under the provisions of § 73.935(2). The EAN will be disseminated in accordance with § 73.931(a)(3) and the State EBS Operational Plan.

(c) *Operational (Local) Area-Level.* The dissemination arrangements for the EAN at this level originate from Operational (Local) Area authorities to the Primary Station designated as the CPCS for the Area. The management of this Primary Station may, at its discretion, release the EAN at this level under the provisions of § 73.935(a). The EAN will be disseminated in accordance with § 73.931(a)(3) and the State EBS Operational Plan.

§ 73.932 Radio Monitoring Requirement.

(a) To insure effective off-the-air monitoring (§ 73.931(a)(3)) all broadcast station licensees must install and operate, during their hours of broadcast operation, equipment capable of receiving Emergency Action Notifications and Terminations transmitted by other radio broadcast stations. This equipment must be maintained in operative condition, including arrangements for human listening watch or automatic alarm devices, and shall have its termination at each transmitter control point. Where more than one broadcast transmitter is controlled from a common point by the same operator, only one receiver is required at that point.

(b) Off-the-air monitoring assignment of each broadcast station is specified in the State EBS Operational Plan.

(c) Prior to commencing routine operation or originating any emissions under program test, equipment test, experimental, or other authorizations or for any other purpose, licensees or permittees shall first ascertain whether an EAN message has been released by any one or all of the following methods:

(1) Monitor the radio and TV network facilities.

(2) Check the Radio Press Wire Service (AP/UPI).

(3) Monitor the Primary Station and/or the Primary Relay Station for your Operational (Local) Area.

If so, operation shall be in accordance with this subpart of the rules.

§ 73.933 Emergency Broadcast System (EBS) Operation During a National-Level Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations. This Checklist summarizes the procedures to be followed upon receipt of a National-Level Emergency Action Notification or Termination Message in accordance with arrangements described in § 73.931(a).

(b) Immediately upon receipt of an EAN or Emergency Action Termination message all licensees will proceed as follows:

(1) Monitor the radio and TV network facilities for further instructions from the network control point.

(2) Check the Radio Press Wire Service (AP/UPI). Verify the authenticity of message with current EBS Authenticator List (Red Envelope).

(3) Monitor the Primary Station and/or the Primary Relay Station for your Operational (Local) Area for the receipt of any further instructions.

(4) Discontinue normal program and broadcast the following announcement:

We interrupt this program. This is a National Emergency. Important instructions will follow.

(5) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(6) (i) "Primary Stations" will make the announcement as set forth in the EBS Checklist for Primary and Alternate Stations. Those TV broadcast stations holding a Primary Station EBS Authorization will continue operation and shall display the EBS or other appropriate slide during audio transmission. Stations broadcasting in a foreign language shall repeat the announcement in that language.

(ii) "Primary Relay Stations" will make the announcement as set forth in the EBS Checklist for Primary Relay and Alternate Relay Stations. Those TV broadcast stations holding a Primary Relay Station EBS Authorization will continue operation and shall display the EBS or other appropriate slide during audio transmission. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(iii) "Alternate Stations" will make the announcement as set forth in the EBS Checklist for Primary and Alternate Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Alternate Stations will remove its carrier from the air and stand by in operational readiness in accordance with the Checklist.

(iv) "Alternate Relay Stations" will make the announcement as set forth in the EBS Checklist for Primary Relay and Alternate Relay Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Alternate Relay Stations will remove its carrier from the air and stand by in operational readiness in accordance with the Checklist.

(v) "Non-Participating Stations" will make the announcement as set forth in the EBS Checklist for Non-Participating Stations. TV broadcast stations shall display the EBS or other appropriate slide during the transmission procedure. Stations broadcasting in a foreign language shall repeat the announcement in that language. Following the announcement the Non-Participating Station will remove its carrier from the air in accordance with the Checklist.

(7) Upon completion of the above transmission procedures:

(i) Primary Stations within an Operational (Local) Area will upon cue from the Common Program Control Station, begin broadcast of a common emergency program. All stations shall carry a common emergency program until receipt of the Emergency Action Termination. Programming priorities are set forth in § 73.925. Feeds will be provided by one or more of the following:

(*a*) Common Program Control Station for the Operational (Local) Area.

(*b*) Radio and Television Broadcast Networks.

(*c*) State Relay Networks.

(*d*) Primary Relay Station for the Operational (Local) Area.

(ii) Primary Relay Stations will begin common emergency program relay and distribution service.

(iii) Alternate Stations and Alternate Relay Stations within an Operational (Local) Area will now turn off their transmitters and stand by to begin broadcasting a common emergency program upon cue from a Primary or Alternate Relay Station which may be unable to continue operation for any reason.

(8) Standby Script:

(i) Upon completion of the EAN message the Standby Script shall be used only by Primary Stations (or stations required to assume that responsibility) until program material is available. The text of the Standby Script is contained in the EBS Checklists for Primary and Alternate Stations and for Primary Relay and Alternate Relay Stations.

(ii) In addition, Standby Script may be used thereafter, as fill material for the common emergency program for the Operational (Local) Area, upon cue from the Common Program Control Station in the Operational (Local) Area.

(9) A station which broadcasts primarily in a language other than English may broadcast in such foreign language following the broadcast in English.

(10) Broadcast stations in the International Broadcast Service will cease broadcasting immediately upon receipt of an Emergency Action Notification and will maintain radio silence. However, under certain conditions they may be issued appropriate emergency authorization by the FCC with concurrence of the Director, Office of Telecommunications Policy, in which event they will transmit only Federal government broadcasts or communications. The station's carrier must be removed from the air during periods of no broadcast or communications transmissions.

(11) Stations may broadcast their call letters during an emergency situation. State and Operational (Local) Area identifications shall also be given.

(12) All stations operating and identified with a particular Operational (Local) Area will broadcast a common emergency program until receipt of the Emergency Action Termination.

(13) Broadcast stations holding an EBS Authorization are specifically exempt from complying with § 73.52 (pertaining to maintenance of operating power) while operating under this subpart of the rules.

(14) Upon receipt of an Emergency Action Termination Message all stations will follow the termination procedures set forth in the EBS Checklists.

(c) Stations originating emergency communications under this Section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934 as amended, and § 73.1207 of the rules and regulations, on other participating stations.

DAY-TO-DAY EMERGENCY OPERATION

§ 73.935 Day-To-Day Emergencies Posing a Threat to the Safety of Life And Property; State-Level and Operational (Local) Area-Level Emergency Action Notification.

(a) State-Level or Operational (Local) Area-Level. The Emergency Action Notification may be released at this level by AM, FM, and TV broadcast stations, at management's discretion, in connection with day-to-day emergency situations posing a threat to the safety of life and property. Examples of emergency situations which may warrant either an immediate or delayed response by the licensee are: tornadoes, hurricanes, floods, tidal waves, earthquakes, icing conditions, heavy snows, widespread fires, discharge of toxic gases, widespread power failures, industrial explosions, and civil disorders.

(b) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934, as amended, and § 73.1207 of the rules and regulations, on other participating stations.

§ 73.936 Emergency Broadcast System (EBS) Operation During A State-Level Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations.

(b) Operations will be conducted in accordance with the provisions of the State-Level EBS Operational Plan.

(c) An EBS Authorization is not required for a broadcast station to participate in the operation of the State-Level EBS.

(d) Immediately upon receipt of a State-Level Emergency Action Notification or Emergency Action Termination message all licensees which are voluntarily participating, may, at the discretion of management, proceed as follows:

(1) Monitor the State Relay Network for receipt of any further instructions from the State Network Primary Control Stations.

(2) Monitor the Primary Station designated as the CPCS for your Operational (Local) Area for the receipt of any further instructions.

(3) Discontinue normal program operation and broadcast the following announcement:

We interrupt this program because of a statewide emergency. Important information will follow.

(4) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(5) All licensees participating in the State-Level EBS will make the announcement as set forth in the EBS Checklists. TV broadcast stations should display the State EBS or State Association of Broadcasters slide during the transmission procedure. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(6) Upon completion of the above transmission procedures, resume normal programming until receipt of the cue from the CPCS for your Operational (Local) Area, or Primary Relay Station for the State EBS Network. At that time begin broadcasting the State-Level common emergency program received from one of the following sources:

(a) Common Program Control Station for your Operational (Local) Area.

(b) State Relay Network.

(c) Primary Relay Station for the Operational (Local) Area.

(7) All licensees may resume normal broadcast operations upon conclusion of the State-Level EBS broadcast.

§ 73.937 Emergency Broadcast System (EBS) Operation During An Operational (Local) Area Emergency.

(a) An EBS Checklist will be posted at operating positions of all broadcast stations.

(b) Operations will be conducted in accordance with the provisions of the State EBS Operational Plan.

(c) An EBS Authorization is not required for a broadcast station to participate in the operation of the local-level EBS.

(d) Immediately upon receipt of an Operational (Local) Area-Level Emergency Action Notification or Emergency Action Termination all licensees which are voluntarily participating, may, at the discretion of management, proceed as follows:

(1) Monitor the Primary Station designated as the CPCS for your Operational (Local) Area for the receipt of any further instructions.

(2) Monitor the Primary Relay Station for your Operational (Local) Area for the receipt of any further instructions.

(3) Discontinue normal program operation and broadcast the following announcement:

"We interrupt this program because of a local emergency. Important information will follow."

(4) Transmit the Emergency Action Notification Attention Signal as set forth in § 73.906.

(5) All licensees participating in the Operational (Local) Area-Level EBS will make the announcement as set forth in the EBS Checklists. TV broadcast stations should display an Operational (Local) Area EBS slide during the transmission procedure. Stations broadcasting primarily in a foreign language shall repeat the announcement in that language.

(6) Upon completion of the above transmission procedures, resume normal programming until receipt of the cue from the CPCS for your Operational (Local) Area. At that time begin broadcasting the common emergency program received from one of the following sources for your Operational (Local) Area:

(i) Common Program Control Station.

(ii) Primary Relay Station.

(7) All licensees may resume normal broadcast operations upon conclusion of the Operational (Local) Area-Level EBS broadcast.

TESTS

§ 73.961 Tests of the Emergency Broadcast System Procedures.

Tests of the EBS procedures will be made at regular intervals with appropriate entries in the station operating log, as follows:

(a) Weekly "500" Net Test Transmissions. Test transmissions of the National-Level interconnection facilities will be conducted on a random basis once each week. The tests will originate on an alternate basis from one of two origination points over a dedicated government teletypewriter network to the control points of the Radio and Television Broadcast Networks, AT&T, AP and UPI. A dedicated automatic telephone network will be used for confirmation purposes between the origination points and AP and UPI. These tests will be in accordance with procedures set forth in EBS SOP–2 which is furnished to the non-government entities concerned.

(b) Periodic AP/UPI Test Transmissions. AP and UPI will separately conduct test transmissions to AM, FM and TV broadcast stations, on their Radio Wire Teletype Networks, a maximum of twice a month on a random basis at times of their choice. These tests will be conducted in accordance with procedures set forth in EBS SOP–2 which is furnished to the non-government entities concerned and the EBS Checklist furnished to all broadcast stations.

(c) Weekly Off-The-Air Monitor Tests will be conducted by all AM, FM, and TV broadcast stations once each week between the hours of 8:30 a.m. and local sunset. These tests will be conducted in accordance with procedures set forth in the EBS Checklist furnished to all broadcast stations.

(d) Tests of State program distribution interconnecting systems and facilities should be conducted on a day-to-day basis as periodic broadcast operations.

(e) Stations originating emergency communications under this section shall be deemed to have conferred rebroadcast authority, as required by section 325(a) of the Communications Act of 1934, as amended, and § 73.1207.

(f) Operational (Local) Area common emergency program distribution interconnecting systems, facilities, and procedures shall be tested on a closed circuit basis to insure emergency readiness of such facilities in accordance with approved State EBS Operational Plans.

§ 73.962 Closed Circuit Tests of Approved National-Level Interconnecting Systems and Facilities of the Emergency Broadcast System (EBS).

(a) Tests of approved National-Level interconnecting systems and facilities of non-government entities voluntarily participating in the EBS will be conducted on a random or scheduled basis not more than once a month and not less than once every 3 months only after FCC approval. Time of test will be selected by both White House and National Industry Advisory Committee (NIAC) representatives in coordination with the Defense Commissioner, FCC. Unless a random Closed Circuit Test has been selected, the FCC will notify the Networks, AT&T and Wire Services of the selected time window, four working days (holidays excluded) prior to the Test.

(b) The details of these Closed Circuit Test procedures are contained in the EBS Checklists issued to all broadcast stations and in SOP–2 issued by the FCC to those non-Government entities concerned.

(c) The radio networks, AT&T, AP and UPI will receive notification of closed circuit tests of NIAC Orders by a Closed Circuit Test Activation Message, followed by a NIAC Order Request Message.

(d) The National-Level EBS will be tested on a closed circuit basis. These test broadcasts will originate from a point selected by the White House with program feed circuitry connected to the Telephone Company Toll Test Center at points indicated by the individual NIAC Orders. AT&T will interconnect, as required, the facilities of the Radio Broadcast Networks, ABC, CBS, MBS, NBC, NPR, UPI-Audio and the Intermountain (IMN) Radio Broadcast Network as authorized by the NIAC Order associated with the Closed Circuit Test. The audio networks associated with the video networks of ABC–TV, CBS–TV, NBC–TV and PBS shall not be utilized during closed circuit tests. The telephone companies are not authorized to add any of the independent stations participating in the EBS unless authorized by the FCC. Authentication will be provided to the Telephone Company Toll Test Center

responsible for the particular NIAC Order to be used as set forth in SOP–2. Authentication used in the Closed Circuit Test messages will be the test words printed on the outside of the EBS Authenticator List (Red Envelope).

(e) Closed Circuit Test procedures for Radio Network affiliates and AP/UPI subscribers are as follows:

(1) Notification of a Closed Circuit Test will be received in accordance with procedures set forth in § 73.931(a) (1) and (2) and the EBS Checklist.

(2) Immediately monitor your radio network (ABC, CBS, IMN, MBS, NBC, NPR and UPI-Audio) and check your AP/UPI Radio Wire Teletype Network machine for the receipt of the Closed Circuit Test Activation Message. Verify authenticity using the test words printed on the outside cover of the current issue of the EBS Authenticator List (Red Envelope). Television networks do not participate in the Closed Circuit Tests.

(3) Continue to monitor your radio network for talkup, and the Closed Circuit Test Program.

(4) Enter the time of receipt of the Closed Circuit Test in your station operating log.

(f) The Federal Communications Commission may request a report of a Closed Circuit Test as deemed appropriate in a format as prescribed by the Commission.

[FR Doc.74–2210 Filed 1–29–74;8:45 am]

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PART IV

FEDERAL ENERGY OFFICE

■

PETROLEUM ALLOCATION

Miscellaneous Regulations, Rulings, and Notices

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Allocation of Crude Oil

Subpart C of the Mandatory Allocation Regulations, concerning the allocation of crude oil, is amended in several respects to clarify certain aspects of that program. The amendments involve clarification of exemptions, definitions, reporting rules and the guidelines for sales relationships in crude oil allocation.

The scope section, § 211.61(a) is revised in an effort to clear up a misconception that "stripper well" crude is not subject to allocation at the refinery level. Under the Emergency Petroleum Allocation Act of 1973, P.L. 93–159, only the first sale of such crude oil is free from control. Any subsequent sale, such as one made by the first transferee, is subject to control. Accordingly, the language of § 211.61 is adjusted to make this clear. A further amendment to Part 210 will also be issued soon to clarify that, in the case of the integrated producer and refiner, the "first sale" is deemed to occur at the transfer point where a value is established for purposes of computing the income tax depletion allowance.

Other changes involve the deletion of the separate definition of "refiner" in § 211.62. In computing the first refiners' buy-sell list issued on January 18, 1974 (39 FR 2522) it was not feasible to treat persons other than refiners who own or purchase crude oil for processing as refiners. Therefore, the prior definition of "refiner" is deleted and the general definition of "refiner" stated in § 211.51 of Subpart B fully applies to Subpart C. This amendment now conforms the definition of "refiner" with the definition used in the preparation of the buy-sell list. In accordance with this change of definition, § 211.65(g) has also been amended to clarify how crude oil processed under a processing agreement is to be treated in calculating supply capacity/ratios.

The definition of "refiner-buyer" has also been revised. After further consideration, it was determined that limiting the definition of a refiner-buyer to a refiner whose supply/capacity ratio is more than 0.02 below the national supply/capacity ratio is not desirable. Therefore, as now defined, a refiner-buyer means any refiner whose supply/capacity ratio is below the national supply/capacity ratio and who is given the opportunity to purchase crude oil during a crude oil sales period. The definition of "refiner-seller" is also amended to clarify that this term refers to any refiner whose supply/capacity ratio is above the national supply/capacity ratio and who is required to sell crude oil pursuant to the operation of Subpart C.

Section 211.64 is amended to clarify that it is the supplier/purchaser relationship in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973, rather than the contracts themselves which are to remain in effect for the duration of the program. Thus, if by the contractual terms, the relationship between the supplier and purchaser is altered after December 1, 1973, this change would not be allowed to occur except as otherwise provided in § 211.64(a) (1), (2), and (3), or in § 211.24.

A limitation has also been imposed on the amounts which a refiner-buyer may purchase from a refiner-seller by an amendment to § 211.65(i). A refiner-buyer may not now purchase a quantity of crude oil from a refiner-seller which, when added to the refiner-buyer's total crude oil supply will exceed 100 percent of the refiner-buyer's refining capacity.

Finally, changes have been made to the reporting requirements in § 211.66 to indicate that the amounts of crude oil processed by a refiner for a non-refiner must be reported as well as amounts of crude oil in excess of 1973 levels and crude oil produced from a stripper well lease.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 11345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part Federal Regulations is amended as set 211 of Chapter II, Title 10 of the Code of forth below, effective 11:59 p.m., January 14, 1974.

Issued in Washington, D.C., January 28, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

1. Section 211.61 is revised in paragraph (a) to read as follows:

§ 211.61 Scope.

(a) This subpart provides for the mandatory allocation of all crude oil produced in or imported into the United States other than (1) amounts of crude oil in excess of 1973 levels, determined on a quarterly basis, and (2) the first sale of crude oil exempted pursuant to the provisions of 10 CFR 210.32. It also establishes a program for refinery yield control. This subpart is applicable to all producers, refiners and others who purchase or obtain crude oil for resale, transfer or use.

* * * * *

2. Section 211.62 is amended by deleting the definition of "refiner" and redefining the definitions of "Refiner-buyer" and "Refiner-seller" to read as follows:

§ 211.62 Definitions.

* * * * *

"Refiner-seller" means any refiner whose supply/capacity ratio is above the national supply/capacity ratio and who is given the opportunity to purchase crude oil during a crude oil sales period under this subpart.

* * * * *

"Refiner-buyer" means any refiner whose supply/capacity ratio is below the national supply/capacity ratio and who is required to sell crude oil pursuant to the operation of this subpart.

* * * * *

3. Section 211.64 is revised to read as follows:

§ 211.64 Supplier/purchaser relationships.

(a) All supplier/purchaser relationships in effect under contracts for sales, purchases, and exchanges of domestic crude oil on December 1, 1973, shall remain in effect for the duration of this program except purchases and sales made to comply with this program: *Provided, however,* that (1) any contract or agreement for the sale, purchase, or exchange of domestic crude oil may be terminated by the mutual consent of both parties; (2) the provisions of this paragraph do not apply to the first sale of crude oil pursuant to § 210.32 of this chapter; and (3) the provisions of this paragraph shall not apply to the seller of any crude oil if the present purchaser of such crude oil refuses, after notice b the seller, to meet any bona-fide offer made by another purchaser to buy such crude oil at a lawful price above the price paid by the present purchaser.

(b) New crude petroleum may be sold to any person. Once the sale is made, the seller of such new crude petroleum shall continue to sell to that purchaser subject to the provisions of paragraph (a) (1), (2), and (3) of this section.

4. Section 211.65 is amended in the last sentence of paragraph (f) to delete the section number "§ 211.13" and insert in lieu thereof the section number "§ 211.61 (a)" and paragraphs (g) and (i) are revised to read as follows:

§ 211.65 Method of allocation.

* * * * *

(g) Each refiner who has crude oil processed by another refiner pursuant to a processing agreement shall report to the FEO that volume of crude oil in its estimate of the available supply of crude oil. The FEO shall include that volume in the estimate of available supply of crude oil for purposes of determining the supply/capacity ratio of that refiner who is having its crude oil processed. Each refiner who processes crude oil pursuant to a processing agreement for a person other than a refiner shall report to the FEO that volume of crude oil in its estimate of the available supply of crude oil. The FEO shall include that volume in the estimate of available supply of crude oil for purposes of determining the supply/capacity ratio of the processing refiner.

* * * * *

(i) A refiner-buyer and refiner-seller listing shall be published by the FEO. A refiner-buyer so listed may purchase from listed refiner-sellers a quantity of crude oil during the quarter which will

result in a supply/capacity ratio for that refiner-buyer equal to the national supply/capacity ratio. However, no refiner-buyer may purchase a quantity of crude oil from a refiner-seller pursuant to this subpart, which, when added to the refiner-buyer's total crude oil supply (including crude oil otherwise exempt from this subpart) will exceed 100 percent of that refiner-buyer's refining capacity.

* * * * *

Section 211.66 is amended in paragraphs (c)(4) and (e) to read as follows:

§ 211.66 Procedures and Reporting Requirements.

* * * * *

(c) *Initial report.** * *

(4) The estimated amount of crude oil processed in each of its refineres for oil processed in each of its refineries for other refiners or any other person under a processing agreement during the same period.

* * * * *

(e) All reports required by paragraphs (c) and (d) of this section shall identify domestic and foreign crude oil and give the average daily volume run or estimated to be run by each refiner. Such reports shall also identify amounts of crude oil in excess of 1973 levels, determined on a quarterly basis, and crude oil produced from a stripper well lease as defined in § 210.32 of this chapter.

* * * * *

[FR Doc.74-2601 Filed 1-29-74;8:45 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Aviation Fuels Allocation Methods

These amendments are designed to provide interim guidelines for suppliers of aviation fuels concerning the method of allocating aviation fuels. The January 15, 1974, Federal Energy Office regulations in Subpart H, § 211.145, specified that FEO would publish certain allocated amounts of these fuels. The data upon which these amounts would be determined, however, is not presently complete. It is necessary, therefore, to change the method of allocating aviation fuels temporarily.

The change requires that suppliers of wholesale purchasers shall allocate aviation fuels as specified in § 211.11(b). Suppliers of wholesale purchasers which are also end-users shall, in addition to complying with § 211.11(b), allocate aviation fuels to meet the requirements of these purchasers in accordance with the allocation levels set forth in § 211.143. Wholesale purchasers who sell to end-users will still be required to meet the needs of their end-users in accordance with the provisions of § 211.11(c).

Because of the present situation concerning the balance of the various uses of fuels among listed levels of allocation, FEO has determined that no significant difference in amounts of fuel allocated would result between the use of the method of allocation formerly provided and the use of the provisions of § 211.11(b). Additionally, the application of the provisions of § 211.11(b) will permit greater flexibility for suppliers to assure minimum allocation amounts at all distribution points. It is anticipated that the prior rule concerning the publication of specific amounts of aviation fuels allocable to certain users will be re-established at a future date.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective 11:59 p.m., January 14, 1974.

Issued in Washington, D.C., January 28, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

Section 211.145 is amended to read as follows:

§ 211.145 Method of allocation.

(a) Suppliers of wholesale purchasers shall allocate aviation fuels in accordance with the provisions of § 211.11(b). Suppliers of wholesale purchasers which are also end-users shall, in addition, allocate aviation fuels to meet the requirements of these end-users in accordance with the allocation levels set forth in § 211.143.

(b) Aviation fuel for international flights shall be allocated on a non-discriminatory basis among international carriers, subject to modification by the FEO following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal non-discriminatory allocation of aviation fuel for U.S. carriers engaged in international flights.

(c) International Air Carriers which have traditionally used bonded aviation fuel for international flights shall be allocated non-bonded, naphtha-base jet fuel on a case-by-case basis to reduce their shortages of bonded fuel. Upon certification by the international carrier that its supplier is unable to provide sufficient bonded fuel at a desired location, the FEO may authorize that supplier to provide non-bonded naphtha base jet fuel to that carrier. Non-bonded fuel so authorized by the FEO shall be in amounts which, when added to the bonded fuel available to that carrier, shall not exceed the allocation levels of U.S. Civil Air Carriers.

(d) Civil Air Patrol assigned to mercy missions shall be provided aviation fuel from the Department of Defense allocation.

(e) Notwithstanding the provisions of § 211.143(e), the use of aviation fuel for non-aviation purposes by a utility may not exceed those volumes of aviation fuel contracted for or purchased during the base period. Aviation fuel shall not be used for peaking as long as the utility continues service during such peaking to interruptible non-priority industrial users (except where no suitable substitute fuel is available to the user) or to any customer who can use a fuel other than aviation fuel.

[FR Doc.74-2602 Filed 1-29-74;8:45 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Residual Fuel Oil Conforming Amendments

These amendments to Subpart I, Residual Fuel Oil, are designed to establish the guidelines for suppliers to supply residual fuel oil to utilities. The amendments describe the procedure by which the announced quantity of residual fuel oil allocated to a utility must be supplied by a supplier.

Under § 211.165, describing the method of allocation, the amounts of residual fuel oil allocated to a utility will be published by FEO. Each utility will determine the portion of that amount which its suppliers must provide, based upon the percentage supplied to the utility between October 1, 1973, and December 31, 1973. Each utility must notify both the supplier and the FEO of the supplier's percentage amount, which will be applied in each month to the utility's total allocated supply to determine the supplier's obligation. The percentage calculated under § 211.165 (d)(1)(ii) will be constant during the program unless adjusted by FEO order.

In February and in subsequent months, the FEO will publish both the utility allocation amounts and the supplier percentage to apply to deliveries of residual fuel oil for the next month.

Suppliers of the period between October 1, 1973, and December 31, 1973, are the suppliers designated under the program to continue deliveries. This time frame assures the application of the most recent supply relationships with a utility. Amounts of residual fuel allocated to the utility must be delivered before any allocations are made to non-utility users. Non-utility users must be supplied with residual fuel before any residual fuel in excess of the amount allocated to a utility may be delivered to the utility. Suppliers may not pro-rate the allocation amount to a utility, but may apply the pro-rating provisions of § 211.11 to other deliveries.

The amendment establishes a time period within which a supplier must advise the utility if it cannot supply the required amount. Such a supplier may request an extension of the time for delivery, but if the request is not accepted, the supplier

and the utility may request assistance from FEO.

A technical change is also made to § 211.166 to require the reporting of certain information to FEO in addition to reports required presently by Federal Power Commission.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective 11:59 p.m., January 14, 1974.

Issued in Washington, D.C., January 26, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

1. Section 211.162 is revised to read as follows:

§ 211.162 Definitions.

For purposes of this subpart—

"Base period" means (1) with respect to all non-utility users, the month of 1973 corresponding to the current month and (2) with respect to all utility users, the period October 1, 1973, through December 31, 1973.

2. In § 211.165 paragraphs (b), (c), and (d) are revised to read as follows:

§ 211.165 Method of allocation.

* * * * *

(b) *General.* Based on the estimated total supply of residual fuel oil, on allocation levels set forth in § 211.163, on the State set-aside percentage, and other relevant considerations, the FEO shall determine each month the portion of total supply for non-uitility use and the portion of total supply for utility use for delivery the following month in accordance with the provisions of paragraphs (c) and (d) of this section.

(c) *Non-utility.* The portion of each supplier's allocable supply not directed by the FEO to be distributed for utility use shall be alocated pursuant to § 211.11. With respect to space heating uses, suppliers must comply, to the fullest extent practicable, with the provisions of paragraph (e) of this section. Notwithstanding the provisions of § 211.164 or § 211.11, suppliers may not supply a utility in excess of the amounts established pursuant to paragraph (d) of this section until the non-utility allocations levels listed in § 211.163 have been filled, unless otherwise directed by the FEO.

(d) *Utilities.* (1) For purposes of calculating the allocation of residual fuel oil to utilities for delivery during the month of February 1974—

(i) The FEO will determine the amount of residual fuel oil allocated to each utility for delivery during the month of February and publish that determination. The volume of residual fuel oil allocated to each utility shall be based upon the total supply available for utilities, the considerations specified in § 211.163(b) and other relevant considerations.

(ii) Based upon total deliveries from suppliers during the base period, each utility shall calculate the percentage of the utility's total deliveries during the base period which were supplied by each supplier. Within 7 days following the date of notification of allocation amounts pursuant to paragraph (d)(1)(i) of this section, each utility shall notify each of its suppliers and the FEO of the amount required to be supplied by each supplier for delivery in February 1974 and of the percentage of the amount allocated to each utility which each supplier must supply. The amount required to be supplied by a supplier shall be calculated by multiplying the utility's specified monthly allocation amount by the percentage of the utility's total deliveries during the base period which were supplied by the supplier.

(iii) Following notification by the utilities of the amounts and percentages required to be supplied by each supplier for delivery in February 1974, FEO will publish these percentages.

(2) For purposes of calculating the allocation of residual fuel oil to utilities for delivery in every month after February 1974—

(i) Each month, the FEO will determine the amount of residual fuel oil allocated to each utility for delivery in the following month. The volume of residual fuel oil allocated to each utility in a particular month shall be based upon the total supply available for utilities, the considerations specified in § 211.163(b) and other relevant considerations.

(ii) Following the determination in paragraph (d)(2)(i) of this section, the FEO will publish the amounts of residual fuel oil allocated to each utility for delivery in the following month and the percentages of those amounts required to be supplied by each supplier for delivery in the following month. The amounts required to be supplied by each supplier will be calculated by multiplying each utility's specified monthly allocation amount by the percentage of the utility's total deliveries during the base period which were supplied by the supplier as computed from the information notified to FEO by the utility pursuant to the provisions of paragraph (d)(1)(ii) of this section.

(3) Within 48 hours of the notification by the utility to the supplier required in paragraph (d)(1)(ii) and, within 7 days of the date of publication by the FEO of the information set forth in paragraph (d)(2)(ii), each supplier of a utility shall notify that utility of its anticipated ability to supply, during the following month, the entire amount of residual fuel required to be supplied by that supplier. If a supplier of a utility is unable to supply its specified amount, the supplier may request an extension to the delivery period in the following month of up to 12 days. Following receipt of a request for extension, the utility must notify the supplier within 48 hours of its determination of the acceptability of the requested extension and of the amount to be delivered during the extension period. If the utility refuses to accept the extension, the supplier and utility shall notify the FEO of the reasons for the request for extension by the supplier and the refusal to accept the extension by the utility. The FEO shall then determine the amounts to be delivered and the date or dates for delivery.

(4) Suppliers and utilities may petition the FEO for adjustment to the requirements of § 211.164(a) and paragraph (d)(1)(i) of this section, or assignment of a new supplier, in accordance with the procedures provided in Subpart B of Part 205 of this Chapter. Such petitions must be filed by the 10th day of the current month in order to be considered for decision or interim relief with respect to adjustment to the allocation amounts to be published in the following month or assignment of new supplier for the following month.

(5) Utilities may, and are encouraged to, by mutual agreement and after notice to FEO, apportion their respective allocated residual fuel oil volumes, other fuel volumes, or generated power among themselves.

3. In § 211.166 paragraph (d) is revised to read as follows:

§ 211.166 Procedures and reporting requirements.

* * * * *

(d) Suppliers of residual fuel oil to utilities shall comply with the reporting requirements of § 211.222. Utilities using residual fuel oil shall comply with the reporting requirements of the Federal Power Commission and the FEO.

* * * * *

[FR Doc.74–2576 Filed 1–28–74;1:16 am]

[Ruling 1974–1]

APPENDIX—RULINGS

Prices for Base Period Purchasers

Facts. Firm C, a refiner and supplier of middle distillate fuels sells these fuels to wholesale purchasers. Under the allocation regulation specified in 10 CFR 211.124(a), Firm C must supply those wholesale purchasers which it supplied in the base period (the month of 1972 which corresponds to the current month). Checking its records, Firm C finds that for the current month 75% of its present

wholesale purchasers were also supplied by Firm C during the base period, but that the remaining 25% were not. Firm C, therefore, replaces the 25% of its current purchasers which were not supplied during the base period with those former purchasers to which Firm C did sell fuels during the base period.

Because these former purchasers are not now buying fuel from Firm C, there is no current price being charged to them. Section 212.82(a) provides that a refiner may not charge to any class of purchaser a price in excess of the base price of that covered product except to the extent that it is prenotified and cost-justified in accordance with the provisions of § 212.82(c)–(k). Firm C must therefore establish lawful base prices for these former wholesale purchasers which are now once again purchasing from Firm C.

Issue. How does Firm C calculate the base prices it may charge the former wholesale purchasers for sales under § 211.124?

Ruling. Pursuant to the provisions of 10 CFR 212.82(f), Firm C has already established base prices for sales of its middle distillate fuels to particular classes of purchasers. This base price is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973 plus increased product costs calculated pursuant to 10 CFR 212.83(b) and the refiner incentive factor calculated pursuant to 10 CFR 212.84.

The former base period purchasers which Firm C must now resume supplying must be assigned the same base price as that assigned to other purchasers in the most similarly situated existing class of purchaser (as defined in 10 CFR 212.31). Thus, if one class of purchaser exists for purchasers who buy in bulk and one of the former purchasers buys in bulk, the base price for that former purchaser should be the same as the base price of the class of bulk purchasers.

Firm C is not permitted to use the requirements of the allocation program as a rationale for rearranging its existing pattern of classes of purchasers or creating new classes of purchasers. The pattern of classes of purchasers created for the former purchasers should, in general, correspond to the previously existing pattern of classes of purchasers. For example, if the 25 percent of the current purchasers being replaced were patterned in classes of purchasers of which 20 percent had a low base price for contract purchases and 5 percent had a high base price for spot purchases, Firm C may not treat all of the former purchasers as falling into the class of purchaser for the spot purchases. Such a rearrangement of classes of purchasers would constitute an unlawful price increase. Instead, Firm C must fit the former purchasers into its existing classes of purchasers so that the 20 percent to 5 percent ratio is generally maintained. This same rule also applies to resellers who establish their selling prices pursuant to 10 CFR 212.93.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

JANUARY 25, 1974.

[FR Doc.74-2361 Filed 1-29-74;8:45 am]

APPENDIX—RULINGS

[Ruling 1974-2]

Redirected Sales Pricing

Facts. Firm A, a refiner, supplies residual fuel oil to Utility B located in the Mid-Atlantic area. Under the authority of the exception clause of § 211.164(a), the Federal Energy Office has ordered that certain of Firm A's volume of residual fuel oil under contract for delivery to Utility B now be redirected and delivered to Utility C, which is also a contract customer of Firm A for the same grade of residual fuel oil; and that another volume of residual fuel oil under contract for delivery to Utility B be redirected and delivered to Utility D, which is not a customer of Firm A and is located in a different geographical region than Utility B. Firm A treats Utility B and Utility C as separate classes of purchasers with the respective contract prices being the base prices for these two classes of purchasers.

Issue. What price may Firm A charge to Utilities C and D for the redirected volumes of residual fuel oil and what obligations, if any, exist to indemnify Utility B for the redirected fuel?

Ruling. In accordance with 10 CFR 212.82(a), Firm A may not charge Utilities C and D a price in excess of the base price except to the extent that nonproduct costs increases are prenotified and cost justified under the procedures in 10 CFR 212.82(c)–(k). Because Utility C is already a purchaser from Firm A of the same product as is sold to Utility B, a base price for Utility C for that product has already been established by Firm A. Assuming that no non-product cost increases have been prenotified, Firm A may charge Utility C for the redirected volume of residual fuel oil a price not in excess of the same lawful base price as it charges Utility C under the existing contract between Firm A and Utility C.

In the case of Utility D, because it is not a customer of Firm A, no base price for Utility D has yet been established. However, Utility D is clearly stepping into the same position as Utility B and, therefore, must be considered to belong to the same class of purchaser. The base price set by Firm A for Utility D will be the same as the contractual price presently charged to Utility B, which is the base price of Utility B, except to the extent that there is a difference in transportation costs to Utility D as compared with Utility B.

As defined in 10 CFR 212.82(f), the base price is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973 plus increased product costs incurred between the month of measurement and the month of May 1973. Because "increased product costs" as defined in 10 CFR 212.83(b) include transportation costs, any increase or decrease in the transportation costs of Firm A caused by delivery to a different geographical area would result in a higher or lower base price to Utility D than the contractual price between Firm A and Utility B.

No obligations arise due to the redirection of fuel from Utility B which would require Utilities C and D to compensate Utility B in any manner for the quantity of fuel being directed. Of course, should Utility B in the future develop a shortage in its supply, FEO could order diversion of supplies to Utility B from Utilities C and D or any other utilities that might have a comparative surplus supply.

This same rule also applies to prices charged under the same circumstances by a reseller pursuant to 10 CFR 212.93.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

JANUARY 25, 1974.

[FR Doc.74-2362 Filed 1-29-74;8:45 am]

FEDERAL ENERGY OFFICE

ADVISORY COMMITTEES

Notice of Establishment

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Following consultation with the Office of Management and Budget, notice is hereby given that it is in the public interest to establish the following advisory committees. A description of the nature and purpose of these committees is contained in their charters which are published below.

Dated: January 22, 1974.

WILLIAM E. SIMON,
Administrator.

STATE REGULATORY ADVISORY COMMITTEE

CHARTER

1. *Objectives and scope of activities.* The objectives of the State Regulatory Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to State utility regulatory commission interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the forseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91–379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

Dated: January 22, 1974.

WILLIAM E. SIMON,
Administrator.

LABOR ADVISORY COMMITTEE

CHARTER

1. *Objectives and scope of activities.* The objectives of the Labor Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to general labor aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the foreseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91–379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq), as amended.

Dated: January 22, 1974.

ELECTRIC UTILITIES ADVISORY COMMITTEE

CHARTER

1. *Objectives and scope of activities.* The objectives of the Electric Utilities Advisory Committee are to advise the Administration, Federal Energy Office (FEO) with respect to general electric utilities aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyoid the foreseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203(a)(3) of the Economic Stabilization Act of 1970 (Pub. L. 91–379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq), as amended.

Dated: January 22, 1974.

GAS UTILITIES ADVISORY COMMITTEE

CHARTER

1. *Objectives and scope of activities.* The objectives of the Gas Utilities Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to general gas utility aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the forseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the

Committee are $20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203 (a) (3) of the Economic Stabilization Act of 1970 (Pub. L. 91–379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

Dated: January 22, 1974.

STATE LEGISLATURE ADVISORY COMMITTEE CHARTER

1. *Objectives and scope of activities.* The objectives of the State Legislature Advisory Committee are to advise the Administrator, Federal Energy Office (FEO) with respect to general state legislative aspects of interests and problems related to the policy and implementation of programs to meet the current national energy crisis.

2. *Committee tenure.* In view of the goals and purposes of the Committee, it will be expected to continue beyond the forseeable future. However, its continuation will be subject to biennial review and renewed as required by section 14 of Pub. L. 92–463.

3. *Official to whom committee reports.* The Committee will report to the Administrator, Federal Energy Office.

4. *Support services.* Necessary support for the Committee will be furnished by the Federal Energy Office.

5. *Committee duties.* The duties of the Committee are solely advisory and are stated in paragraph 1 above.

6. *Estimated annual cost.* The estimated annual operating costs for the Committee are $20,000 and involve approximately one-half man-years of staff support.

7. *Meetings.* The Committee will meet approximately four times a year.

8. *Termination date.* The Committee will terminate two years from date of this Charter, unless prior to that date renewal action is taken by the Administrator, FEO, as described in paragraph 2 above.

9. *Determination.* Establishment of this Committee is determined to be in the public interest in connection with the performance of duties imposed on the Federal Energy Office by Executive Order No. 11748, dated December 4, 1973, which delegated to the Administrator, FEO, authority vested in the President by the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159); section 203 (a) (3) of the Economic Stabilization Act of 1970 (Pub. L. 91–379) as amended; and specified authorities under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), as amended.

Dated: January 22, 1974.

WILLIAM E. SIMON,
Administrator.

[FR Doc.74–2360 Filed 1–29–74;8:45 am]

NATIONAL SUPPLY/CAPACITY RATIO AND REFINERS BUY-SELL LIST

Correction of Crude Oil Allocation Notice

On January 18, 1974, the Federal Energy Office issued a crude oil allocation notice setting forth the first national refiner supply/capacity ratio and the list of refiner-sellers and refiner-buyers in accordance with the provisions of 10 CFR 211.63 and 10 CFR 211.66(f) (39 FR 2522, January 22, 1974). Subsequent to the issuance of that notice, errors were discovered in the computation of both the national supply/capacity ratio and the buy-sell list which were of sufficient magnitude to warrant a complete recalculation and reissuance of a corrected supply/capacity ratio and buy-sell list. This notice hereby publishes as an Appendix, the corrected figures which supersede the supply/capacity ratio and buy-sell list issued on January 18, 1974.

The errors in the January 18 notice primarily resulted from incorrect data supplied by the refiners due to misunderstandings and incorrect interpretations of the regulations. To help remedy these initial problems of implementing the crude oil allocation program, the FEO is on this same date amending Subpart C of Part 211, Title 10, Code of Federal Regulations to further clarify the operation of the program. The FEO will also work closely with the refiners to assure their understanding of the reporting requirements of Subpart C.

Due to the republication of the buy-sell list, the FEO is also extending the date by which transactions made to comply with the crude oil allocation program must be reported to the FEO. Although § 211.66(g) requires that each transaction must be reported within fifteen days of the publication of the buy-sell list, this date is being extended an additional ten days for this initial crude oil sales period so that a refiner will be allowed to complete whatever additional transactions are necessary under the revised list. Therefore, refiners will now have 25 days from January 22, 1974 to report transactions made to comply with the program.

The corrected supply/capacity ratio and the buy-sell list set forth as an Appendix to this notice are applicable through the period February 1, 1974–April 30, 1974. The provisions of 10 CFR, Part 211, Subpart C apply to transactions under the buy-sell list.

The listing in the Appendix covers PAD districts I through V, and the amounts shown in columns 3 and 4 of the list are in barrels of 42 gallons each, for the specified period. Column 1 lists the name of the refiner. A refiner listed with an amount in Column 3 is required, pursuant to 10 CFR 211.65(h), to offer that volume of crude oil to a refiner listed with an amount in Column 4. Refiners with amounts so listed in Column 4 have the opportunity to purchase crude oil pursuant to 10 CFR 211.65(i). Column 2 lists the supply capacity ratio as reported by each refiner.

Refiners which are entitled to purchase crude oil but have not agreed upon a sale within 25 days from January 22, 1974, may request the National Office, FEO, to order a sale. Refiner-buyers making such requests must provide the FEO with the following information:

1. Name of the refiner and of the person authorized to act for the refiner in buy-sell transactions.

2. Name and location of the refineries for which crude oil is sought, the amount of crude oil sought for that refinery, and the technical specification range of crude oil which can be processed in that refinery.

3. Names and locations of all refiners from whom crude oil has been sought under this program and the volume and specification of the crude oil sought from each.

4. Statement of any restrictions, limitations or constraints made in the purchase requests with particular respect to manner or time of deliveries and price.

5. The response of each refiner with whom a request to purchase crude oil has been placed, and the name and telephone number of the contact in each selling refinery.

6. Such other pertinent information as the FEO may request.

Issued in Washington, D.C., January 28, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

APPENDIX

1. The National refiner supply/capacity ratio for the period February 1, 1974 through April 30, 1974 is 0.7665.

2. The list of refiner-buyers and refiner-sellers for the period February 1, 1974 through April 30, 1974 is as follows:

Refiner Name	S/C Ratio	Eligible sales (barrels)	Eligible purchases (barrels)
Texas Fuel & Asphalt	1.0498	5,824	0
Road Oil Sales	1.0418	13,476	0
Union Texas	1.0005	195,723	0
Cross Oil of Ark	.9791	66,224	0
Hunt Oil	.9781	282,575	0
Skelly Oil	.9692	1,290,242	0
Bay Refining/Dow	.9535	195,487	0
Conoco	.9485	5,545,434	0
Amerada-Hess	.9315	7,869,030	0
Clark Oil & Refining	.9268	1,526,879	0
Gulf Oil	.9135	11,632,484	0
Diamond Shamrock	.8987	545,964	0
Oriental Refining	.8936	14,152	0
Plateau	.8921	58,251	0
Apco Oil	.8843	397,856	0
Phillips	.8751	3,931,881	0
Champlin	.8688	1,275,364	0
Delta Refining	.8618	233,247	0
Fampriss Oil	.8607	41,893	0
La Eloria	.8517	178,906	0
Cities Service Oil	.8507	2,009,013	0
Dorchester Gas	.8426	6,771	0
Shell	.8372	6,839,744	0
Kerr-McGee	.8366	330,773	0
Tenneco	.8234	514,512	0
Amoco	.8194	4,780,021	0
Mobil	.8145	4,038,992	0
Indiana Farm Bureau	.8137	52,450	0
Eeroon Oil	.8096	46,434	0
Navajo	.8074	76,147	0
Canal Refining	.8023	10,194	0
Koch	.7991	318,791	0
Allied Materials	.7922	9,799	0
American Petrofina	.7900	397,614	0
Young Oil	.7898	4,349	0
Socal	.7797	1,191,133	0
Sound	.7745	2,434	0
Exxon	.7675	102,375	0
FEO Ratio	.7665	0	0
Pasco	.7646	0	0
Union Oil	.7644	0	93,006
Alabama Refining	.7640	0	3,034
Oil Shale	.7620	0	27,725
Fletcher	.7570	0	13,518
Sun Oil	.7565	0	500,857
Husky	.7516	0	60,958
Texaco	.7511	0	1,622,889
Vickers	.7472	0	51,606
Lundsy-Thagard	.7449	0	5,763
Calumet	.7413	0	5,388
Caribou Four Corners	.7350	0	20,188
Total Leonard	.7336	0	123,662
Crystal Oil & Gas	.7315	0	45,939
National Coop	.7344	0	203,120
Quaker State	.7236	0	93,559
Mid-America Refining	.7228	0	11,664
Murphy Oil	.7217	0	431,155
Little America	.7191	0	92,344
Arco	.7039	0	4,303,414
United Refining	.6977	0	866,800
Osceola Refining	.6932	0	71,304
Rock Island	.6932	0	190,504
Marathon	.6907	0	2,036,054
The Refinery Corp	.6823	0	123,634
Thunderbird Resource	.6730	0	131,401
Tesoro	.6699	0	569,074
Winston Refining	.6690	0	0
Newhall Refining	.6662	0	75,373
CRA-Farmland	.6636	0	613,744
Charter Oil	.6570	0	306,554
Sohio	.6445	0	4,005,399
Pennzoil	.6389	0	590,301
Seminole Asphalt	.6367	0	51,388
Farm. Union Cent. Ex	.6353	0	496,554
Ashland	.6347	0	4,161,267
Pomerine	.6334	0	337,734
South Western Refining	.6233	0	2,367
Eddy Refining	.6223	0	11,350
Southland Oil	.6185	0	375,336
Mohawk	.6160	0	348,647
Lakeside Refining	.6123	0	54,384

Refiner Name	S/C Ratio	Eligible sales (barrels)	Eligible purchases (barrels)
Vulcan	.5984	0	55,484
Tonkawa	.5798	0	83,107
Gladieux Refinery	.5762	0	93,161
Commonwealth	.5409	0	3,233,432
Warrior Asphalt	.5392	0	60,685
Claiborne Gas	.5376	0	132,438
Careton Asphalt Refining	.5366	0	128,418
Coastal States	.5365	0	2,438,925
Bayou State	.5339	0	71,503
M. T. Richards	.5206	0	1,379
Hawaiian Independent	.5163	0	890,776
Texas City	.5098	0	1,524,457
Flint Chemical	.5056	0	27,868
Kentucky Oil	.5036	0	11,700
Golden Eagle Refining	.5000	0	303,381
Evangeline	.4940	0	97,008
Southwestern D&R	.4925	0	2,418,398
MacMillan	.4907	0	390,322
Somerset Refining	.4794	0	76,661
Three Rivers	.4715	0	7,503
Pride Refining	.4677	0	100,125
Witco Chemical	.4628	0	729,843
O M C	.4579	0	0
Edgington Oil	.4493	0	932,949
Sunland	.4130	0	0
Getty Oil	.4005	0	3,453,334
Edgington Oxnard	.3918	0	83,366
Crystal Refining	.3661	0	220,961
San Joaquin Oil	.3595	0	978,046
Crown Central Petroleum	.3399	0	3,030,578
South Hampton	.3304	0	41,616
U.S. Oil	.3195	0	636,527
Thriftway	.3154	0	157,326
Dineman Oil & Refining	.3101	0	101,549
Midland Coop	.2592	0	431,725
North American Petrol	.2079	0	815,409
Jet Fuel Refining	.2049	0	23,493
West Coast Oil	.2042	0	649,963
Arizona Fuels	.1865	0	266,003
Sage Creek	.1616	0	44,002
Good Hope Refining	.1615	0	1,039,992
Yetter	.1124	0	58,217
Howell	.0840	0	1,175,503
Wireback	.0399	0	77,061
J&W Refining	.0000	0	575,002
Mountaineer Refining	.0000	0	0
Wood County	.0000	0	204,660
Crown	.0000	0	682,201
Gary Western	.0000	0	427,200
Guam	.0000	0	2,012,493
Ingot Oil & Refining	.0000	0	2,012,493

[FR Doc.74-2603 Filed 1-29-74;8:45 am]

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Federal Energy Office Utility Allocation Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164, and 211.165, the Federal Energy Office (FEO) hereby provides notice of the allocation to utilities of residual fuel oil for the month of February 1974.

The specified amounts of residual fuel oil allocated to each utility are set forth in the Appendix to this notice. The utility allocations were determined after review of the impact of reduced fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility, the FEO considered the factors enumerated in § 211.163(b) and also the following other factors:

(1) Interim allocations were made to utilities during the month of January 1974 and additional data reflecting these allocations and actual deliveries and inventories during January was received from utilities and considered in determining the allocation for deliveries in February.

(2) Utilities residual oil needs were assumed to be reduced as the result of conservation efforts by utilities designed to achieve at least 5 percent load reduction below normal trends.

(3) Utility residual fuel use was reduced as the result of contemplated power purchases from coal-based utility systems which were considered feasible by the Federal Power Commission (FPC).

(4) Based on estimates of residual oil burn rates, and inventory positions supplied to the FPC and the FEO by the utilities, adjusted for conservation efforts and power purchases, the allocations were calculated to attain an inventory position by March 1 which would equal at least 12 days of residual oil consumption.

(5) The allocations imply inventory draw downs during February for some utilities with relatively strong inventory positions.

Allocations have been adjusted for fuel savings resulting from plants which have converted from oil to coal. It is the intent of FEO, in future allocations, to give those plants which have been recommended for conversion to coal by the FEO, but which have not yet done so, a low priority in residual fuel allocations.

The amounts shown in the Appendix are the quantities of fuel oil which are to be delivered to the utility listed during the month of February 1974. Some utilities will not be receiving any allocation amounts in February. This is due to the fact that these utilities either burn other fuel primarily and use residual fuel only for stand-by inventory purposes, or use residual fuel only in a small percentage of the plant's capacity. In some of these latter instances, even the small amount of residual fuel involved is eliminated by the conservation guides established for utilities. By amendments to Subpart I, which are being issued on the same date as this notice, the relationship of individual suppliers to utilities is more fully described.

Within 7 days of receipt of this notice each utility is required to notify the FEO of the names of the utility's suppliers, and of the portion of the specified allocation amounts which each must supply. Following receipt of this information the FEO will republish this month's allocation listing, to show both the utilities' allocation amounts and the percentage of the allocation amounts which is supplied by each supplier.

Part of the data for this February allocation list was derived from utilities' filing of FPC Form 23. Prior to the publication of the March listing, any utility which requires residual fuel must submit a revised form 23 to the FPC, to reflect any changes in need resulting from the February allocation or other factors which would assure updated information. A copy of this revised form 23 must be delivered to the FEO by February 8, 1974. Reports should be addressed to "Data Collection", FEO, Box 2887, Washington, D.C. 20013.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Office.

JANUARY 26, 1974.

APPENDIX—RESIDUAL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF FEBRUARY 1974

1. A NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)

	Barrels
Maine:	
Bangor Hydro-Electric Co	27,950
Central Maine Power Co	270,800
Maine Public Service Co	20,700
New Hampshire: Public Service Co. of New Hampshire	102,000
Massachusetts:	
Boston Edison Co	1,332,000
Braintree Electric Light Department	17,700
Eastern Utilities Associates Cos. (Montaup Electric Co.) (Blackstone Valley Electric Co., Rhode Island)	182,300
Fitchburg Gas & Electric Light Co	21,500
Holyoke Municipal Gas & Electric Department	33,700
New England Electric System Cos (Massachusetts Electric Co.) (New England Power Co.) (Narragansett Electric Co., Rhode Island)	1,223,000
New England Gas & Electric Association	586,000
Peabody Electric Light Department	100
Taunton Municipal Lighting Plant	35,500
Connecticut:	
Northeast Utilities Cos (Connecticut Light & Power Co.) (Holyoke Water Power Co. Massachusetts) (Western Massachusetts Electric Co., Massachusetts)	2,245,400
United Illuminating Co	775,500
Rhode Island: Newport Electric Corp	0
New York:	
Central Hudson Gas & Electric Corp	637,950
Consolidated Edison Co	4,210,400
Freeport Electric Department	12,400
Lawrence Park Heat, Light & Power Co	0
Long Island Lighting Co	1,062,200
Niagara Mohawk Power Corp	204,200
Orange and Rockland Utilities	571,700
Rochester Gas & Electric Corp	0

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

New Jersey:	
Atlantic City Electric Co	80,550
General Public Utilities Integrated System Co (Jersey Central Power & Light Co.) (Pennsylvania Electric Co., Pennsylvania) (Metropolitan Edison Co., Pennsylvania)	444,000
Public Service Electric & Gas Co.	1,816,500
Vineland Electric Utility	61,000
Pennsylvania: Philadelphia Electric Co	1,412,400
Delaware:	
Delmarva Power & Light Co	599,600
Dover Municipal Power Plant	14,600
Maryland: Baltimore Gas & Electric Co	705,100
District of Columbia: Potomac Electric Power Co	771,700

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

Virginia: Virginia Electric and Power Co	2,049,800
North Carolina:	
Duke Power Co	0
Carolina Power & Light Co	144,650
South Carolina:	
South Carolina Electric & Gas Co	259,600
South Carolina Public Service Authority	73,400
Georgia:	
Georgia Power Co	90,350
Savannah Electric & Power Co	240,600
Florida:	
Florida Keys Electric Cooperative Association	6,400
Florida Power & Light Co	1,273,950
Florida Power Corp	968,600
Fort Pierce Electric Department	35,000
Gainesville Utilities Department	43,350
Gulf Power Co	0
Jacksonville Electric Authority	460,600
Key West Utility Board	37,700
Lakeland Light & Water Department	91,200
Lake Worth Utilities Authority	1,500
New Smyrna Utilities Commission	5,200
Orlando Utilities Commission	361,200
Sebring Utilities Commission	8,150
Tallahassee Electric Department	43,650
Tampa Electric Co	66,800
Vero Beach Municipal Power Plant	0
Mississippi:	
Mississippi Power Co	2,700
South Mississippi Electric Power Association	86,500

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

Mississippi:	
Clarksdale Public Utilities Commission	1,750
Yazoo City Public Service Commission	0

Louisiana: Middle South Utilities Group	702,300
(Mississippi Power & Light Co., Mississippi)	
(Louisiana Power & Light Co.)	
(New Orleans Public Service, Inc.)	
(Arkansas Power & Light Co., Arkansas)	
(Arkansas-Missouri Power Co., Arkansas)	
Arkansas:	
Arkansas Electric Cooperative Corp	68,800
Johnesboro Water & Light Plant	0
Oklahoma:	
Blackwell Water & Light Department	0
Mangum Light & Power Department	0
Oklahoma Gas & Electric Co	0
Western Farmers Electric Cooperative	0
Missouri:	
Empire District Electric Co	0
St. Joseph Light & Power Co	0
Kansas:	
Central Kansas Power Co	2,300
Chanute Municipal Utilities	7,900
Coffeeville Light & Power System	3,550
Kansas Gas and Electric Co	0
Kansas Power & Light Co	14,300
Larned Municipal Utilities	0
McPherson Board of Public Utilities	4,900
Ottawa Water & Light Department	150
Western Power Division of Central Telephone & Utilities Corp	8,850
Texas: Gulf States Utilities Co. (covers all)	224,200

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

Texas:	
Austin Electric Department	0
Bryan Municipal Electric System	10,650
Community Public Service Co	0
Dallas Power & Light Co	0
El Paso Electric Co	0
Garland Electric Department	16,700
Lower Colorado River Authority	0
Medina Electric Cooperative, Inc	0
San Antonio Public Service Board	56,400
Texas Electric Service Co	0
Texas Power & Light Co	0
West Texas Utilities Co	122,400

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

Wisconsin:	
Lake Superior District Power Co	0
Wisconsin Electric Power Co	0
Superior Water Light & Power Co.	10,800
Missouri: Union Electric Co	0
Illinois:	
Commonwealth Edison Co	0
Illinois Power Co	0

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

Nebraska:	
Central Nebraska Power & Irrigation District	0
Fairbury Light & Water Department	1,350
Grand Island Electric Department	7,550
Hastings Utilities	0
Lincoln Electric System	0
Nebraska Public Power District	0
Omaha Public Power District	0
Minnesota:	
Austin Utilities	0
Fairmont Water & Light Commission	0
Marshall Municipal Utilities	1,200
Minnesota Power & Light Co	50,600
Northern States Power Co	0
Owatonna Municipal Utilities	15,400
Iowa:	
Atlantic Municipal Utilities	1,700
Interstate Power Co	4,850

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

Michigan:	
Clinton Municipal Light Department	700
Consumers Power Co	282,800
Detroit Edison Co	461,900
Grand Haven Board of Light and Power	0
Hilldale Board of Public Utilities	6,000
Wolverine Electric Cooperative, Inc	6,500
Ohio:	
Cleveland Electric Illuminating Co	61,000
Toledo Edison Co	0
Pennsylvania: Allegheny Power System Companies	0
(West Penn Power Co.)	
(Potomac Edison Co., Maryland)	
Monongahela Power Co., West Virginia)	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

Arizona:	
Arizona Public Service Co	182,400
Salt River Project	100,000
Tucson Gas & Electric Co	112,000
California:	
Burbank Public Service Department	74,800
Glendale Public Service Department	55,500
Imperial Irrigation District	78,000
Los Angeles Department of Water & Power	1,207,500
Pasadena Water & Power Department	68,600
Pacific Gas & Electric Co	1,428,000
San Diego Gas & Electric Co	704,000
Southern California Edison Co	3,579,500
Colorado:	
Colorado Springs Department of Public Utilities	0
Lamar Light & Power Department	0
Public Service Co. of Colorado	0
New Mexico:	
Plains Electric Generation and Transmission Cooperative	0
Public Service Co. of New Mexico	12,600
Utah: Utah Power & Light Co	0
Montana: Montana Power Co	53,500
Oregon: Pacific Power & Light Co	0
Washington:	
Puget Sound Power & Light Co	108,000
Seattle Department of Lighting	0
Nevada:	
Nevada Power Co	28,400
Sierra Pacific Power Co	57,400

10. NONCONTIGUOUS UNITED STATES

Hawaii:	
Hawaiian Electric Co	282,200
Hilo Electric Co	38,500
Kauai Electric Co	11,350
Maui Electric Co	37,600

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