federal register

MONDAY, FEBRUARY 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 24

Pages 4457–4549

PART I

HIGHLIGHTS OF THIS ISSUE

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

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federal register

Area Code 202 Phone 523-5240

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

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

Presidential Documents

Title 3—The President

MEMORANDUM OF DECEMBER 20, 1973

[Presidential Determination No. 74–10]

Presidential Determination—Spain

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, December 20, 1973.

Pursuant to the authority vested in me by Section 614(a) of the Foreign Assistance Act of 1961, as amended, I hereby:

(a) Determine the use of not to exceed $3.4 million in FY 1974 for the granting of defense articles, defense services and training, together with excess defense articles, to Spain, and the use of up to $3 million in Security Supporting Assistance funds to finance programs of non-military cooperation with Spain, without regard to Section 620(m) of the Act, is important to the security of the United States;

(b) Authorize such use up to $3.4 million for the grant of defense articles, defense services, and training to Spain, and the use of up to $3 million in Security Supporting Assistance funds to finance programs of non-military cooperation with Spain, without regard to the limitations of Section 620(m) of the Act.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–2907 Filed 1–31–74;2:29 pm]

Rules and Regulations

Title 7—Agriculture

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

[Navel Orange Reg. 309, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period January 25–31, 1974. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 309 (39 FR 3273). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (i) of § 907.609 (Navel Orange Regulation 309 (39 FR 3273)) are hereby amended to read as follows:

§ 907.609 Navel Orange Regulation 309.

* * * * *

(6) *Order.* (1) * * *

(i) District 1: 1,350,000 cartons.

* * * * *

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

Dated: January 30, 1974.

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

[FR Doc.74-2796 Filed 2-1-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 71—GENERAL PROVISIONS

PART 78—BRUCELLOSIS

Revocation of Cleaning and Disinfection Requirements for Vehicles

Statement of considerations. Experience in those States not requiring the cleaning and disinfection of vehicles after transporting brucellosis reactors intrastate indicates that the incidences of brucellosis traced to such vehicles is no greater than in States where cleaning and disinfecting of such vehicles is routinely practiced.

The regulation requiring the cleaning and disinfection of vehicles used to transport brucellosis reactors interstate places a burden which is no longer necessary on the carrier who transports animals interstate for slaughter and on the approved slaughtering establishment which receives such animals and must provide cleaning and disinfecting facilities for trucks involved.

Therefore, these amendments revoke the requirement for the cleaning and disinfection of vehicles which have transported brucellosis reactors in interstate commerce.

Accordingly, Part 71 and Part 78, Title 9, Code of Federal Regulations, are hereby amended in the following respects:

1. In § 71.6, in paragraph (a) the word "brucellosis," is added after the term "bovine foot rot,."

2. In § 78.7 the phrase "and a statement to the effect that the railroad car, boat, truck, or other vehicle, in which the animals are transported is to be cleaned and disinfected." is deleted.

3. Section 78.8 is deleted in its entirety.

4. In § 78.18, the phrase "§§ 78.7 through 78.9," is amended to read "§ 78.7 and § 78.9,."

(Sec. 2, 32 Stat. 792, as amended; sec. 3, 76 Stat. 130; 21 U.S.C. 111, 134b, 37 F.R. 28464, 28477; 38 F.R. 19141.)

Effective date. The foregoing amendments shall become effective February 4, 1974.

The amendments relieve restrictions presently imposed but no longer deemed necessary to prevent the spread of brucellosis and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-2850 Filed 2-1-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Xanthan Gum in Various Products

Statement of considerations. On July 23, 1973, there appeared in the FEDERAL REGISTER (38 FR 19690–19692) a notice of proposed rulemaking to amend the Federal meat and poultry products inspection regulations to provide for the use of xanthan gum as a binder or extender in formulas for certain meat and poultry products when federally inspected. The proposal was announced pursuant to a petition submitted to this Department by the Kelco Company accompanied by data and information dealing with the safety, functional effects, and other pertinent properties or matters of interest and significance associated with the substance and its use in the products. The information submitted by the petitioner and that derived from other sources on the nature and action of xanthan gum was placed on file in the Office of the Hearing Clerk and made available for public inspection.

Two of the seven comments submitted on the announcement were from officials of State meat inspection programs expressing approval of the proposal. The third State official posed several technical questions on the use of xanthan gum as proposed and these were resolved in subsequent correspondence between the Department and the petitioner. Two consumers submitted comments opposing the proposal on the basis of objections to the use of food additives in general. However, ingredients of federally inspected meat and poultry products are identified individually by their common or usual names on the products' labels, and the Department believes this provides adequate information from which consumers can make selections based on their personal preferences and needs.

The Food and Drug Administration substantiated in a comment letter that the use of xanthan gum as proposed would be consistent with the regulations of that Agency. The comment from a representative of the Department of the Army supported the proposal as announced.

The record on this proposal, referred to above, supports the proposed amendments to the regulations providing for the use of xanthan gum in the types of products specified for the stated purposes. Accordingly, the amendments are adopted as set forth in the proposal.

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621); sec. 14, 71 Stat. 447, as amended (21 U.S.C. 463); 37 FR 28464, 28477)

It does not appear that further public participation in rulemaking proceedings on these amendments would make additional information available to the Department which would substantially affect this matter. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further notice or other public rulemaking proceedings on these amendments are impractical and unnecessary.

The foregoing amendments shall become effective March 6, 1974.

Done at Washington, D.C., on January 28, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

§ 318.7 Approval of substances for use in the preparation of product.

* * * * *

(c) * * *

(4) * * *

Class of substance	Substance	Purpose	Product	Amount
Binders.....	Xanthan gum.	To maintain: Uniform viscosity; suspension of particulate matter; emulsion stability; freeze-thaw stability.	Meat sauces, gravies or sauces and meats, canned or frozen and/or refrigerated meat salads, canned or frozen meat stews, canned chili or chili with beans, pizza topping mixes and batter or breading mixes.	Sufficient for purpose.

§ 381.147 Restrictions on the use of substances in poultry products.

* * * * * * *

(f) * * *

(3) * * *

Class of substance	Substance	Purpose	Product	Amount
Binders and Extenders.	Xanthan gum.	To maintain: Uniform viscosity; suspension of particulate matter; emulsion stability; freeze-thaw stability.	Various, except uncooked products or sausages or other products with a moisture limitation established by Subpart P of this Part.	Sufficient for purpose.

[FR Doc.74-2738 Filed 2-1-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 210—GENERAL ALLOCATION AND PRICE RULES

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Petrochemical Pricing Amendments

These amendments are designed to implement certain FEO action with respect to a refiner's pricing of benzene and toluene beginning in February. The amendments are issued to coordinate with the recent action concerning petrochemicals taken yesterday by the Cost of Living Council.

The action by the Council did not involve benzene and toluene, since authority for price controls for these products rests with the FEO. Accordingly, this FEO action directs specific controls to these products, which prior to these amendments were treated simply as "other covered products." The purpose of today's action is to provide an incentive for refiners to increase the production of benzene and toluene which account presently for roughly 1 percent of refinery output.

The definitions of "covered products" which appear in Parts 210 and 212 have been amended to exclude those products over which the Council retained authority in its action taken yesterday. The definitions specifically include benzene and toluene, not only as referred to in SIC Code 2911, but also to include forms of benzene and toluene derived through other processes.

The refiner's base price provisions in § 212.82 have been renumbered to permit the insertion of a special base price rule for benzene and toluene. These products will be allowed to continue to receive certain product cost increases calculated by the refiner, but in addition, the refiner may add a per gallon amount to these products up to 33.7 cents. This amount is a maximum permitted to be included in a current base price for benzene and toluene, and is designed to break these products out of the low output levels presently prevailing.

At the same time, by amendment to the refiner's product cost allocation formula, the FEO is requiring a downward movement in base prices of covered products other than special products and crude petroleum by an amount equivalent to the dollar adjustment permitted for May 15, 1973 prices of benzene and toluene. The refiner must reduce the total dollar amount of costs which may be allocated to other covered products in proportion to the production of benzene and toluene. The refiner, however, may recover this reduction through the adjustment now permitted to base prices for benzene and toluene. The adjustment of 33.7¢ per gallon would be further corrected for over-recoupment or under-recoupment by adjustments which a refiner must include in the carryover fac-

tor of the cost allocation formula in § 212.83.

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, Parts 210 and 212 of Chapter II, Title 10 of the Code of Federal Regulations are amended as set forth below, effective immediately.

Issued in Washington, D.C., January 31, 1974.

JOHN C. SAWHILL,
Deputy Administrator,
Federal Energy Officer.

1. Section 210.21 is amended in the definition of "Covered products" to read as follows:

§ 210.21 Definitions.

* * * * *

"Covered products" means all products described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321 (except ethane) or 2911 (including benzene and toluene, but excluding ortho-xylene, meta-xylene, para-xylene and butadienes), and all forms of benzene and toluene.

* * * * *

2. Section 212.31 is amended in the definition of "Covered products" to read as follows:

§ 212.31 Definitions.

* * * * *

"Covered products" means a product described in the 1972 edition, Standard Industrial Classification Manual, Industry Code 1311 (except natural gas), 1321 (except ethane) or 2911 (including benzene and toluene, but excluding ortho-xylene, meta-xylene, para-xylene and butadienes), and all forms of benzene and toluene.

* * * * *

3. Section 212.82 is amended by renumbering paragraph (f) (3) to (f) (4).

4. Section 212.82 is amended in paragraph (f) by adding subparagraph (3) to read as follows:

§ 212.82 Price rules.

* * * * *

(f) *Base price.* * * *

(3) *Benzene and toluene.* Notwithstanding the provisions of paragraph (f) (1) of this section, the base price for sales of benzene and toluene by a refiner is the weighted average price at which such an 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 and measured pursuant to the provisions of § 212.83, plus a maximum of $.337 per gallon.

5. Section 212.82 is amended in paragraph (f) (1) (iii) to read as follows:

§ 212.82 Price rule.

* * * * *

(f) *Base price*—(1) *General rule.* * * *

(iii) Notwithstanding the general rule in paragraph (f) (1) (i) of this section, with respect to an allocation sale made pursuant to § 211.186 of this chapter, the base price of a petrochemical feedstock (except benzene and toluene) is 115 percent of the price calculated pursuant to paragraph (f) (1) (i) provided that in the calculation of the increased product costs for petrochemicals in § 212.83, the refiner uses the formula for special products set forth in § 212.83(c) (2) (i).

* * * * *

6. Section 212.83 is amended in paragraph (c) (2) at the description of "D_i" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased costs.* * * *

(2) *General formulae.* * * *

D_i"=The total dollar amount a refiner may apportion in the period "u" (the current month) to covered products of the type "I" in whatever amounts it deems appropriate to each particular covered product other than a special product, provided that the total dollar amount is reduced by an amount equal to the product of the total number of gallons of benzene and toluene estimated to be domestically produced by the refiner during the month of measurement multiplied by $.337 per gallon. The formula for covered products other than special products will only be computed for i=3 (all covered products other than a special product and crude petroleum).

7. Section 212.93 is amended in paragraph (b) (2) to read as follows:

§ 212.93 Price rule.

* * * * *

(b) Notwithstanding the provisions of paragraph (a) of this section:

* * * * *

(2) With respect to an allocation sale of petrochemicals (except for benzene and toluene) made pursuant to § 211.186, the maximum price that may be charged is 115 percent of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section.

[FR Doc.74-2966 Filed 1-31-74;6:14 am]

[Ruling 1974–3]

APPENDIX—RULINGS

Supplier/Purchaser Relationships Under the Petroleum Allocation Regulations

A number of questions have arisen concerning the obligations of suppliers and the rights of purchasers to allocations under the Petroleum Allocation Regulations issued by the Federal Energy Office on January 14, 1974 (39 FR 1924 et seq., January 15, 1974). In particular, FEO has received inquiries concerning the scope and intent of §§ 211.13 and 211.24 of the Regulations which require generally that suppliers of petroleum products shall provide allocations to their wholesale purchasers of record as of the base period. This Ruling is issued pursuant to Section 205.181 of the Regulations and is designed to be of assistance to all persons in determining their rights and obligations under the Emergency Petroleum Allocation Act of 1974 (Pub. L. 93–159) and the Regulations issued thereunder.

1. As a general proposition, the Regulations require a supplier to provide an allocation to each of its historical wholesale purchasers during the base period—even if the supplier has severed all contractual relationships with such purchasers since the base period. In the normal case of a supplier who has not significantly reduced its marketing or distribution activities in a region, most of the supplier's current purchasers (as of January 15, 1974) will also have been its base period purchasers. No change in such purchaser/supplier relationships is contemplated by the Regulations. However, with respect to base period wholesale purchasers of a supplier who are not its current purchasers, the Regulations require the supplier to take immediate action to provide for such base period purchasers' allocations pursuant to Subpart A of the Regulations. Under § 211.25, a supplier may arrange to supply its base period purchasers' allocations either directly or through appropriate exchange agreements with other suppliers in accordance with normal business practices. Wholesale purchasers who are not historical base period purchasers from their current supplier are expected to look to their base period supplier to provide for their allocations. Suppliers should reestablish relationships with their base period wholesale purchasers on an equitable basis. If the timing and method of implementing a supplier's program of changeover to its base period wholesale purchasers has the effect of discriminating against any category or group of such purchasers, such a supplier may be subject to sanctions for having taken "retaliatory action" within the meaning of § 210.61 of the Regulations.

2. A supplier must provide for allocations to its wholesale purchasers of record during the base period as long as those purchasers continued to maintain their ongoing business since the base period. A purchaser does not lose his right to an allocation from his base period supplier unless, since the base period, the purchaser abandoned his ongoing business entirely or transferred his entire ongoing business to a third party. (§ 211.24) In the latter case, the third party has acquired the right to the allocation from the historical supplier, and the original purchaser (if he has opened a new business) must apply to a supplier as a

"new customer." Unless the historical purchaser has completely abandoned his original ongoing business or conveyed it to a third party, he continues to have the right to an allocation from his historical supplier even though (1) the supplier ceased supplying the purchaser since the base period, (2) the supplier terminated a franchise or lease agreement with the purchaser since the base period, or (3) the purchaser has moved the location of his ongoing business to other premises since the base period.

3. The Regulations do not permit a supplier to escape its obligation to its wholesale purchasers of record during the base period if the purchaser has changed its brand or trademark affiliation since that time. The success of the allocation program depends upon the ease with which wholesale purchasers can return to their base period supplier relationships and, in the event of imbalances, the ease with which the Federal Energy Office can redirect the products of various suppliers in order to assure an equitable nationwide allocation of petroleum products. The Federal Energy Office is aware that it is a normal business practice in the industry for a supplier to provide its purchasers with products through exchange agreements with other suppliers and the Regulations recognize this practice. (§ 211.25) Accordingly, a change in brand or trademark affiliation is not a basis (except in unusual cases) upon which the Federal Energy Office would permit suppliers to refuse to provide allocations to their historical base period wholesale purchasers.

4. The fact that a supplier has, during or since the base period, terminated or significantly reduced its marketing or distribution activities in a region does not diminish the obligation of that supplier to provide allocations to its base period wholesale purchasers in that region. The Regulations recognize, however, that under certain circumstances it may be appropriate for such suppliers to apply to the Federal Energy Office to seek adjustments in the method of supplying their base period purchasers. (§ 211.14 (d)) It must be emphasized, however, that until the Federal Energy Office authorizes reassignment of wholesale purchasers pursuant to § 211.14(d), all suppliers have an immediate and continuing obligation to provide allocations to their base period wholesale purchasers—either directly or through appropriate exchange agreements with other suppliers. Suppliers which have embarked on a program to terminate or reduce their marketing and distribution activities in a region must cease such withdrawal program pending a determination by the Federal Energy Office of whether reassignment of their base period wholesale purchasers in that rgeion would be appropriate under the Regulations.

5. Withdrawal from a region by a supplier since the base period does not alter the obligations owed to base period purchasers in that region by the supplier. However, certain actions by suppliers, such as cancelling a lease under which a base period purchaser has been operating on ongoing business on premises owned by the supplier may have the effect of putting the purchaser out of business. The Regulations provide that purchasers who have gone out of business shall not be eligible for allocations premised on base period supplier relationships. Nevertheless, the Federal Energy Office is prepared to take action to prevent practices by suppliers which have the clear effect on circumventing the provisions of the Allocation Regulations. Suppliers who terminated leases with their base period purchasers in the period following enactment of the Emergency Petroleum Allocation Act of 1973 or whose conduct with respect to base period purchasers otherwise threatens to terminate the latter's ongoing business, may be determined to have engaged in "retaliatory action" within the meaning of § 210.61 of the Regulations. That section prohibits any action, including a refusal to continue to sell or lease, contrary to the purpose or intent of the Federal Energy Office, when such action is taken against another firm or individual who exercises any rights conferred by the Emergency Petroleum Allocation Act of 1973, or by the Regulations issued thereunder. Furthermore, termination by a supplier of leases with base period purchasers—as part of a program of withdrawal from a region—may be determined to be in violation of § 210.62 of the Regulations which requires suppliers to deal with purchasers according to "normal business practices" and prohibits modification of "normal business practices" so as to result in circumvention of any provision of the Regulations. Because the Regulations impose a continuing responsibility upon a supplier to provide allocations to his base period wholesale purchasers despite its withdrawal from a region, action which is in furtherance of a program of withdrawal by the supplier from a region may not be considered a "normal business practice" until the Federal Energy Office authorizes a program of reassignment of that supplier's base period purchasers to other suppliers in the region.

6. Any supplier which, during or since the base period, has significantly reduced its marketing or distribution activities in any of the 10 Regions of the Federal Energy Office may apply to the National Federal Energy Office to seek adjustment in the method of supplying customers in that region. The application shall contain an explanation of the reasons why it is impractical for that supplier to provide allocations to its base period wholesale purchasers in the region—either directly or through exchange agreements with other suppliers. In addition, the application shall contain the following information:

(1) The number of wholesale purchasers of record in the region during each month of the base period.

(a) Who were branded independent marketers.

(b) Who were non-branded independent marketers.

(c) Other wholesale purchasers (describe).

(2) The volume of product supplied, either directly or through exchange agreements, to each of the classes of entities enumerated in response to (1) for each month of the base period.

(3) The number of wholesale purchasers of record during each month of the base period (or successors in interest to their ongoing business) in each of the classes enumerated in (1), who maintained that ongoing business in the region during each of the following periods:

(a) November 1–November 30, 1973

(b) December 1–December 31, 1973

(c) January 1–January 31, 1974

(4) With respect to each of the classes of entities described in (1), for each period specified in (3), the number of entities in the region who received any supplies of product from the applicant, either directly or through exchange agreements with other suppliers. For each such period and class of purchaser, the allocation fraction utilized (or if an allocation fraction was not utilized, the volume of product).

(5) For each of the classes of purchasers described in (1), for each period specified in (3), the allocating fraction utilized for the balance of any supplier's marketing or distribution system.

Based on an application prepared in accordance with the foregoing, the Federal Energy Office will consider whether to authorize reassignment of customers pursuant to § 211.14(d) of the Regulations. It should be emphasized, however, that until such reassignments are authorized, all suppliers are obligated to provide allocations to their base period wholesale purchasers of record—either directly or through appropriate exchange agreements with other suppliers. The ability of a supplier to provide allocations through interim arrangements, including exchange agreements, shall not prejudice its application for reassignments under § 211.14(d). Failure to provide for allocations to base period wholesale purchasers as provided by the Regulations will expose suppliers to the remedies and sanctions specified in the Regulations.

WILLIAM N. WALKER,
General Counsel.

FEBRUARY 1, 1974.

[FR Doc.74-2972 Filed 2-1-74;9:47 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision]

PART 101—ADMINISTRATION

Revised Administration Regulations; Correction

In the FEDERAL REGISTER published on December 20, 1973 (38 FR 34860), there was an omission in the listing of field

offices. Section 101.3–1 should read as follows:

§ 101.3–1 **Listing of Field Offices.**

* * * * *

(c) Region III. Regional Office, 1 Decker Square, East Lobby, Bala Cynwyd, Pa. 19004. Having jurisdiction over the following district and branch offices:

* * * * *

(10) 1030 Fifteenth Street, NW., Washington, D.C. 20417. Serving the District of Columbia and the Maryland counties Montgomery and Prince Georges and the Virginia counties of Arlington, Fairfax, and Loudoun, and the City of Alexandria.

* * * * *

Dated: January 28, 1974.

RICHARD J. SADOWSKI,
Director,
Reports Management Division.

[FR Doc.74–2771 Filed 2–1–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER–835; Amdt. 1]

PART 232—TRANSPORTATION OF MAIL; REVIEW OF ORDERS OF POSTMASTER GENERAL

Application for Review

The purpose of this amendment is to amend certain sections of Part 232, so that the statutory references therein will be corrected to refer to "section 405(b) of the Act."

This editorial amendment is issued by the undersigned pursuant to a delegation of authority from the Board to the General Counsel in 14 CFR § 385.19, and shall become effective on February 25, 1974. Procedures for review of this amendment by the Board are set forth in Subpart C of Part 385 (14 CFR §§ 385.50 through 385.54).

Accordingly, the Board hereby amends Part 232 of the Economic Regulations (14 CFR Part 232) effective February 25, 1974, as follows:

1. Amend § 232.1 to read as follows:

§ 232.1 **Application for review.**

Any person who would be aggrieved by an order of the Postmaster General issued under and within the meaning of section 405(b) of the Act may, within not more than 10 days after the issuance of such order, apply to the Board for a review thereof. An application filed hereunder shall be deemed to have been filed on the date on which it is actually received by the Board at its offices in Washington, D.C.

2. Amend paragraph (a) of § 232.2 to read as follows:

§ 232.2 **Form and contents of application.**

(a) An application filed under this part may be made in writing or by telegram. An application in writing shall be conspicuously entitled Application for Review of Order of the Postmaster General issued under section 405(b) of the Act, shall specify the schedule affected and identify the order complained of, and shall specify the manner in which the applicant is or would be aggrieved by the order, the relief sought, and the facts relied upon to establish that the public convenience and necessity require that such order be amended, revised, suspended, or canceled by the Board. The execution, number of copies, and verification of a written application filed under this part, and the formal specifications of papers included in such application shall be in accordance with the requirements of the rules of practice relating to applications generally (see Part 302 of this chapter).

* * * * *

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

By the Civil Aeronautics Board.

Adopted: January 30, 1974.

Effective: February 25, 1974.

[SEAL] RICHARD LITTELL,
General Counsel.

[FR Doc.74–2849 Filed 2–1–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2484]

PART 13—PROHIBITED TRADE PRACTICES

Chrysler Corp.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist order, Chrysler Corporation, Detroit, Mich., Docket C–2484, Jan. 9, 1974]

In the Matter of Chrysler Corporation, a corporation. Consent order requiring Chrysler Corporation, a manufacturer and seller of residential and commercial air conditioners, to cease interlocking its directors with General Electric Company.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

I. *It is ordered,* That respondent Chrysler Corporation (Chrysler), a corporation, its successors and assigns, do forthwith cease and desist from interlocking the directors of said respondent with General Electric Company (General Electric) through Edmund W. Littlefield, or any other individual, so long as said respondent and General Electric, by virtue of their business and location of operation, compete in the manufacture and sale of any product.

II. *It is further ordered,* That respondent, Chrysler, for a period of five years from the date of this order, shall, within 30 days after service upon it of this order, as to each existing Chrysler director, and prior to the election hereafter of any Director to its board, obtain with respect to each such person, the name, location and most recent annual report of each other corporation, having capital, surplus and undivided profits in excess of $1,000,000, of which such person is also a director. Based on information contained in the foregoing annual reports, Chrysler shall make a determination during such five-year period whether (a) a product is a principal product of both Chrysler and such other corporation, and (b) such other corporation, by virtue of its business and location of operation, is a competitor of Chrysler in the manufacture and sale of said product, and if it concludes, based on such determination, that such a relationship exists, Chrysler shall not permit such person to serve on its Board of Directors so long as such person continues to serve on the Board of such other corporation.

III. *It is further ordered,* That respondent Chrysler notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergency of a successor corporation, or any other change in the corporation which may affect compliance obligations arising out of this order.

IV. *It is further ordered,* That respondent herein shall, within 30 days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

Issued: January 9, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–2761 Filed 2–1–74;8:45 am]

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

Repurchase of Banned Hazardous Substances

The purpose of this document is to establish procedures for the repurchase of "banned hazardous substances" in implementation of section 15 of the Federal Hazardous Substances Act (sec. 15, 83 Stat. 189–190; 15 U.S.C. 1274). The manufacturer, distributor, and retail dealer of a product which is a "banned hazardous substance" as defined in the act are required under the regulation promulgated below to give notice of the fact that they have sold a banned article or substance and to repurchase it from the person to whom they have sold it, reimbursing that person the reasonable and necessary expenses incurred in returning it. The term "banned hazardous

substance" applies to any toy or other article intended for use by children which is, bears, or contains a "hazardous substance" (within the meaning of section 2(f) of the act) in such manner as to be susceptible of access by a child to whom such toy or other article is entrusted. The term also applies to any household substance which is a "hazardous substance" and which has been classified by the Commission as a "banned hazardous substance" on the basis of a finding that despite any cautionary labeling that may be required under the act, the public health and safety can be adequately served only by keeping such substance out of the channels of interstate commerce.

In the FEDERAL REGISTER of December 19, 1970 (35 FR 19275), the Commissioner of Food and Drugs published a proposal (21 CFR 191.202) to implement the repurchase provisions of the Federal Hazardous Substances Act. The time for filing comments was extended to February 17, 1971, by a notice published January 27, 1971 (36 FR 1275).

The comments received in response to the proposal raised numerous and varying issues. The Commissioner concluded that the issues could not be resolved by issuing a regulation based on the original proposal, withdrew it, and published a new proposed 21 CFR 191.202 regarding repurchase of banned hazardous substances in the FEDERAL REGISTER of December 16, 1972 (37 FR 26832).

Effective May 14, 1973, functions under the Federal Hazardous Substances Act were transferred to the Consumer Product Safety Commission by section 30(a) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(a)).

Subsequently, on September 27, 1973 (38 FR 27012), the Consumer Product Safety Commission revised and transferred the regulations under the Federal Hazardous Substances Act (21 CFR Part 191 became 16 CFR Part 1500). Accordingly, in this issuance, proposed 21 CFR 191.202 is adopted as 16 CFR 1500.202.

In response to the proposal of December 16, 1972, comments were received from three retailers, 24 manufacturers of products subject to regulation under the Federal Hazardous Substances Act, five associations of manufacturers of such products, two associations of wholesalers, six associations of retailers, and one association of consumers. The principal issues raised by these comments and the Commission's conclusions thereon are as follows:

A. *Consideration by Consumer Product Safety Commission.* Eighteen comments request that any final action on the proposed regulation be postponed until activation of the Consumer Product Safety Commission. The Commissioner of Food and Drugs did not take any action before May 14, 1973 (the date functions under the Federal Hazardous Substances Act were transferred to the Consumer Product Safety Commission), to finalize the proposal, and as a result the Commission has considered all written comments submitted in response to the proposal. Eleven of these comments request that the Commission issue a single, comprehensive regulation under section 15 of the Consumer Product Safety Act (sec. 15, 86 Stat. 1221-1222; 15 U.S.C. 2064) applicable to all consumer products. Provisions of that section authorize the Commission, after giving all interested persons opportunity for a hearing, to require the manufacturer, distributor, or retailer of a consumer product which fails to comply with an applicable standard or which has a defect that could create a substantial risk of injury to the public, to give notice of the failure to comply with the standard or of the product defect, and to require repair or replacement of the product to eliminate the hazard, or refund of the purchase price, in appropriate cases.

After consideration of these comments, the Commission concludes that despite any action which may be taken in the future under section 15 of the Consumer Product Safety Act, a regulation is needed to govern repurchase of banned hazardous substances under section 15 of the Federal Hazardous Substances Act. The public interest requires issuance of a regulation to govern repurchase of any product which is a banned hazardous substance and which may have entered households or channels of interstate commerce, as contemplated by section 15 of the Federal Hazardous Substances Act.

B. *Enforcement.* One association of wholesalers states that no provision of section 4 of the Federal Hazardous Substances Act makes the failure to comply with section 15 of the act a violation and that no provision of section 5 prescribes any penalty for violation of section 15. This comment contends that the Commission would be unable to enforce any regulation it issues to implement the repurchase provisions of the act.

Section 8(a) of the act grants jurisdiction to the United States district courts in the United States and to the United States courts in the territories to restrain violations of the Act. In appropriate cases, a failure to comply with the repurchase provisions could give rise to a suit for injunctive relief.

C. *Suggested additional provisions.* One retailer, three associations of retailers, 15 manufacturers, and three associations of manufacturers suggest that a provision be added to the proposal to provide for repair or replacement of any article subject to section 15 of the act as an alternative to repurchase. Sixteen retailers, two associations of retailers, and three associations of manufacturers comment that provision should be made in the regulation to reduce the amount of the refund to which a consumer is entitled in those cases where the consumer has had possession and use of an article for an extended period of time before tendering that article for repurchase. One association of retailers and two associations of manufacturers state that the regulation should provide that the refund to which the consumer is entitled may be reduced by an allowance for actual use by the consumer. Three associations of manufacturers and seven retailers recommended additional provisions to establish a procedure whereby certain banned articles or substances could be exempted from the provisions of section 15 of the act. Two retailers suggest that the regulation be changed to require repurchase only of products having a certain minimum retail unit value and a certain minimum aggregate wholesale value so that administrative costs involved in the repurchase procedures do not exceed the total value of the production of the item in question. One retailer and ten manufacturers suggest that the regulation limit the time during which persons could tender items for repurchase. Three associations of manufacturers suggest that this period should be limited to one year after the posting by the retailer of the notice that the item in question is banned.

After considering all of these comments, the Commission concludes that the purpose of section 15 of the act is to provide for the swift removal of any banned article or substance from households and from channels of interstate commerce and that the various additional provisions requested in these comments would not contribute to the accomplishment of that purpose. Accordingly, no change in § 1500.202 as requested in these comments is warranted.

D. *Loss of profits.* One retailer comments that since retailers and distributors are required to repurchase articles at the price they charged, but may receive only the price they paid from the person from whom they purchased such articles, retailers and distributors will lose all profits from the transaction. This retailer contends that since the manufacturer is the person primarily responsible for the distribution of banned articles and substances, the manufacturer should be required to reimburse dealers and distributors for lost profits.

Section 15 of the act states specifically that a distributor or a manufacturer of a banned article or substance shall repurchase that item from his customer and shall "refund that person the purchase price paid for such article or substance * * *." Further, section 15 of the act has no provision which requires that any party in the chain of distribution reimburse any other party for profits lost in the process of repurchasing a banned article or substance. Accordingly, the suggestion that a provision be added requiring manufacturers to reimburse distributors and retailers for lost profits is not adopted.

E. *Retroactive application of the regulations.* Nine manufacturers and two associations of retailers object to the provisions of the proposed regulation to the extent that they require repurchase of a banned article or substance which became banned at some time after it was distributed.

Section 15(a) of the act specifically provides for repurchase of "any article

or substance sold by its manufacturer, distributor, or dealer which is a banned hazardous substance (*whether or not it was such at the time of its sale * * **)." Thus the statute itself eliminates the Commission's discretion since it requires repurchase of banned articles or substances even though such articles or substances were not banned when sold.

F. *Premiums.* One retailer recommends that in the case of a banned article or substance which is distributed as a premium packaged together with a product which is not banned, repurchase should be required only of the premium and not the product with which the premium was sold. An example of a premium would be a package of detergent placed inside a washing machine which is sold to a consumer. The Commission concludes that the provisions of this regulation apply only to the particular article or substance which is banned. As long as the principal product is not a banned article or substance and is in fact separate and distinct from the banned premium, the principal product is not subject to repurchase.

G. *Identification.* A manufacturer suggests that the regulation require persons tendering an article for repurchase to present positive proof that such article is not a copy or imitation.

The Commission concludes that manufacturers concerned with this problem may provide a means of identification of their own products; and for this reason, the suggestion is not adopted.

H. *Private labelers.* One retailer and three associations of retailers comment that the language of the definition of the term "manufacturer" in proposed sec. 191.202(b)(1) could be interpreted to mean that private labelers would have no recourse against the actual manufacturer.

The intent of this provision was to impose all of the obligations of a manufacturer on any person who markets a product made to his specifications and labels that product so as to represent himself to the public as the manufacturer of that product. In response to these comments, the Commission has changed that part of the definition of the term "manufacturer" which is applicable to private labelers so that the term "manufacturer" includes any person under whose name a product is distributed or sold. Thus, under § 1500.202(b)(1) promulgated below, the private labeler would continue to be a "manufacturer," but the person who actually made the product would also be a "manufacturer."

I. *Repurchase provisions.* Proposed 21 CFR 191.202(c)(2) provides that a consumer lacking documentary proof of purchase of a banned article can return that article to a "dealer who sells or has sold that article or substance" and that upon presentation of the article in question, such dealer "shall reimburse that person the average price said dealer paid for such article or substance * * *." Nine manufacturers, five associations of manufacturers, one retailer, and four associations of retailers comment that this provision conflicts with section 15(a)(3) of the act which provides:

In the case of any article or substance sold at *retail by a dealer, if the person who purchased it from the dealer returns it to him,* the dealer shall refund the purchaser the purchase price paid for it * * *

Additionally, proposed 21 CFR 191.202(e)(2) provides that a consumer may return a banned article or substance directly to the manufacturer and is to receive in return from the manufacturer "the average price at which the manufacturer sold it" and reimbursement for any reasonable and necessary expense incurred in so returning the product. Two manufacturers comment that this provision conflicts with section 15(a)(1) of the act which provides that *"the manufacturer* of any article or substance [which is a banned hazardous substance] *shall repurchase it from the person to whom he sold it* * * *"*

After consideration of these comments, the Commission concludes that to the extent proposed 21 CFR 191.202(c)(2) and (e)(2) require a retailer or a manufacturer to repurchase a banned article or substance from any person other than his own customer, the proposal conflicts with the provisions of section 15(a)(1) and (3) of the act. Accordingly, the regulation (now 16 CFR 1500.202) has been revised to eliminate the conflict. Manufacturers are, however, encouraged to repurchase banned articles or substances directly from consumers who are unable to obtain repurchase from a retailer. The Commission further concludes that the provision in proposed 21 CFR 191.202(c)(1), which would require a person who purchased an article from a retail dealer to present "documentary proof of the purchase price" as a condition for obtaining a refund of the purchase price paid, should be eliminated. This requirement, which is not specified in section 15 of the act, was included in the proposed regulation to differentiate between persons seeking repurchase from the dealer from whom the person purchased the article, and persons seeking repurchase from any dealer who sells or has sold such an article. Because the regulation promulgated below requires repurchase only from the person to whom the dealer sold the article, the term "documentary proof of purchase price" is not necessary, and has been deleted. Provisions relating to repurchase by retail dealers appear in § 1500.202(c).

J. *Transportation, handling, and administrative expenses.* (1) One retailer, four associations of retailers, 17 manufacturers, and three associations of manufacturers comment that the proposal should be changed to clarify the term "reasonable and necessary transportation charges." Many suggest that in the absence of a more specific definition, consumers might request reimbursement for excessive transportation charges incurred in returning items for repurchase.

The Commission concludes that these suggestions have merit and has added § 1500.202(b)(6) to define the term "reasonable and necessary transportation charges." This new subparagraph provides that "reasonable and necessary transportation charges," when used in connection with the return of a banned article or substance to a dealer, means (a) the actual costs incurred in returning the product in any manner reasonably specified by the dealer or (b) the actual costs incurred in returning the product by "mail, commercial carrier, or any other manner, including personal conveyance, reasonably utilized in the absence of specific instructions by the dealer." Allowing retailers to specify a reasonable means of transportation to be used by their customers for the return of banned articles of substances will serve to prevent abuses and facilitate the return of such articles.

(2) One association of retailers comments that distributors and manufacturers should be responsible to the retailer for labor, overhead, and administrative costs in handling, processing for return, and shipping the item to the manufacturer.

Section 15 of the act provides that if a manufacturer or distributor requires the return of a banned article or substance in connection with its repurchase, the manufacturer or distributor must reimburse the person returning the item for "any reasonable and necessary expenses" incurred in the return of the product. To implement this statutory provision, the Commission has added a new subparagraph, § 1500.202(b)(7), which defines the term "reasonable and necessary expense," when used in connection with the return of a banned article or substance to a distributor or manufacturer, as the cost of "labor, administration, and transportation in the handling, processing, and shipping of such substance."

(3) Two manufacturers comment that manufacturers should not be required to accept the physical return of a banned article or substance, but should have the option of requiring retailers to destroy the article or substance after it is returned by consumers. One association of wholesalers comments that the proposal contemplates the physical return of the article to the manufacturer and that this procedure is not normally followed in many cases where manufacturers choose instead to order destruction at some point in the chain of distribution. This comment also suggests that manufacturers should have the option of requesting either return or destruction of banned articles or substances.

Neither the act nor this regulation requires distributors or manufacturers to insist on the physical return of an article in connection with its repurchase. Accordingly, a change in the regulation as suggested is not warranted; however, the Commission notes that both the statute and this regulation do require the physical return of the product in all cases involving repurchase of banned articles or substances from consumers.

K. *Notice requirements.* (1) Proposed 21 CFR 191.202(f)(2) would require any

retailer who sells or has sold a banned article or substance in a retail store or similar establishment to post a sign on each floor of such store where items similar to the article or substance have been displayed or sold. The text of the sign prescribed by proposed 21 CFR 191.202(f)(2)(ii) would inform customers of the existence and location of a list of banned articles or substances and describe the specific procedures to be followed by consumers to return products on that list for repurchase. Other provisions of proposed 21 CFR 191.202(f)(2) would require the retailer to post a list of banned articles or substances in a place accessible to customers without permission or assistance from store employees and to post the signs advising customers of the location of that list for 120 days after receiving notification that any article or substance which he sells or has sold is banned. Six retailers and three associations of manufacturers suggest that the time required for posting the signs and list of banned articles and substances should be reduced from 120 days to 30 days.

Since reducing the posting time would reduce consumer exposure to the information, the Commission concludes that the period of time during which retailers are to post signs to notify customers that an article or substance is banned should not be reduced from the 120-day period. This requirement is set forth in sec. 1500.202(f)(2).

(2) One manufacturer suggests that proposed 21 CFR 191.202(f)(2)(ii) should be changed to require a retail dealer to post only one sign in each store instead of requiring the retailer to post one sign on each floor of the store where items similar to the item subject to repurchase have been sold or displayed.

Because customers may visit only one floor of a retail establishment, the Commission concludes that the required sign should be displayed on each floor where items similar to the product subject to repurchase have been displayed or sold and accordingly has not changed the regulation to adopt this suggestion.

(3) One retailer and two associations of retailers comment that the text of the sign prescribed by proposed 21 CFR 191.-202(f)(2)(iii) would be too long and should be simplified. The Commission agrees and has revised the text of the sign required to be posted by retailers. The prescribed text for the sign now appears in § 1500.202(f)(2)(iii). In response to a comment submitted by one association of retailers, § 1500.202(f)(ii) now requires retailers to post notice of the procedures to be followed by customers to obtain refunds at only one place in a retail store.

(4) Proposed 21 CFR 191.202(f)(3) would require retailers who have sold a banned article or substance other than in a retail establishment, such as by mail order, to publicize a notice "in a manner reasonably calculated to reach as many purchasers of the banned product as possible." One association of retailers contends that the language of this provision is vague and requires further explanation. Two retailers and one association of retailers comment that the word "practicable" should be substituted for the word "possible" in the language quoted above.

Since it may not be feasible for a retailer to notify "as many purchasers * * * as possible," the Commission has revised the regulation to substitute the word "practicable" for "possible." Notification requirements for retailers who sell products other than in a retail establishment appear in § 1500.202(f)(3).

(5) One association of wholesalers contends that a more effective means to notify consumers that an item is subject to repurchase would be to require manufacturers to give such notification by means of the public media.

Although § 1500.202 does not require mass media notification by manufacturers, neither the act nor the regulation prohibits it. The Commission encourages such means of consumer notification in addition to the required signs to be posted by retailers.

(6) One association of retailers comments that proposed 21 CFR 191.202(f) requires retailers to give immediate notice when they have sold an item subject to repurchase, but does not similarly require manufacturers to give "immediate" notice to their customers that a particular item is banned. This association comments that retailers might be subject to harassment by customers who learn that a particular item is banned and request repurchase before the retailer receives notification from the manufacturer or distributor.

Section 1500.202(f)(1) has been changed to require the manufacturer of a banned article or substance to notify persons who have purchased that item from the manufacturer "As soon as the manufacturer * * * knows, or receives information from which he should know, that such article or substance is banned * * *." This change is not inconsistent with the intent of proposed 21 CFR 191.202 and should shorten the time required for retailers to be notified that a particular article or substance is banned.

Conclusion and promulgation. Having considered the comments received and other relevant information, the Commission concludes that the proposal, with changes, should be adopted as set forth below.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 10(a), 15, 74 Stat. 378, 380, as amended, 83 Stat. 189–90; 15 U.S.C. 1269(a), 1274), and under authority vested in the Consumer Products Safety Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a))), a new section is added to Part 1500 as follows:

§ 1500.202 Repurchase of banned hazardous substances.

(a) *Scope.* This section establishes the procedures under which a banned hazardous article or substance which is required to be repurchased under section 15 of the act shall be repurchased.

(b) *Definitions.* For the purposes of this section:

(1) The term "manufacturer" includes any person who manufactures or imports an article or substance for distribution or sale in the United States or any territory thereof, except that in the case of an article or substance distributed or sold under a name other than that of the actual manufacturer of the article or substance, the term "manufacturer" includes any person under whose name the article or substance is distributed or sold.

(2) The term "distributor" includes any person who sells an article or substance at wholesale.

(3) The term "dealer" includes any person who sells an article or substance at retail.

(4) The term "person" includes individual, partnership, corporation, and association.

(5) The term "purchase price" means the amount of money paid to acquire an article or substance, including all taxes, but excluding transportation or shipping costs and finance, interest, or service charges.

(6) The term "reasonable and necessary transportation charges," when used in connection with the return of an article or substance to a dealer, means:

(i) The actual costs incurred in returning the product in any manner reasonably specified by the dealer, including personal conveyance; or

(ii) The actual costs incurred in returning the product by mail, commercial carrier, or any other manner, including personal conveyance, reasonably utilized in the absence of specific instructions by the dealer.

(7) The term "reasonable and necessary expense" when used in connection with the return of an article or substance to a distributor or manufacturer shall include the cost of labor, administration, and transportation in the handling, processing, and shipping of that product.

(c) *Dealers.* In the case of a person who has purchased an article or substance from a dealer and who returns it to that dealer, the dealer shall refund the purchase price paid and reimburse the purchaser for any reasonable and necessary transportation charges incurred in its return.

(d) *Distributors.* The distributor of the article or substance shall repurchase it from the person to whom the distributor sold it and shall:

(1) Refund that person the purchase price paid for the article or substance;

(2) If that person has repurchased the article or substance under paragraph (c) of this section, reimburse that person for any reasonable and necessary transportation charges paid in accordance with that paragraph for the return of the article or substance in connection with its repurchase; and

(3) If the distributor requires the return of the article or substance in connection with the distributor's repurchase

of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the distributor.

(e) *Manufacturers.* The manufacturer of the article or substance shall repurchase it from the person to whom the manufacturer sold it and shall:

(1) Refund that person the purchase price paid for the article or substance;

(2) Reimburse that person for any reasonable and necessary transportation charges and expenses paid by that person in connection with repurchase under paragraph (c) or (d) of this section; and

(3) If the manufacturer requires the return of the article or substance in connection with the manufacturer's repurchase of it in accordance with this paragraph, reimburse that person for any reasonable and necessary expenses incurred in returning it to the manufacturer.

(f) *Notice of banned article or substance subject to repurchase.* (1) As soon as the manufacturer of an article or substance knows or receives information from which the manufacturer should know that the article or substance is a banned hazardous substance, the manufacturer shall immediately notify each distributor, dealer, and other person to whom the manufacturer has sold that product that it is a banned hazardous substance subject to repurchase under the act. This notice will identify the article or substance involved (including model number or other distinguishing characteristics), set forth the nature of the hazards involved in the use of the product, provide instructions for return or other disposition of the product, and advise that any distributor or dealer who receives the notice is required to provide further notice as specified in this paragraph. As soon as the distributor receives such notice, that distributor shall, in the same manner, similarly notify each distributor, dealer, and other person to whom the distributor has sold the article or substance.

(2) A dealer who sells or has sold an article or substance at a retail establishment shall, upon notification that such product is a banned hazardous substance, immediately do the following:

(i) Prepare and prominently display a list captioned "Banned Articles or Substances List" which shall contain an identification of the banned product including the model number or other distinguishing characteristics, the name and address of the manufacturer, the date notice was received from the manufacturer or distributor, and the nature of the hazards involved with the use of that product. Each banned article or substance shall be maintained on the list for a period of not less than 120 days from the date the dealer received the notification. The list will be considered to be prominently displayed if it is available for inspection at a convenient location in the store, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign posted in accordance with the provisions of subdivision (iii) of this subparagraph clearly indicates the location of the list.

(ii) Prepare and prominently display a notice captioned "Notice of Refund Procedures for Banned Articles or Substances." This notice shall be displayed for a period of not less than 120 days from the date the dealer received the latest notification. The notice will be considered to be prominently displayed if it is available for inspection at the same convenient location in the store as the banned articles or substances list prepared in accordance with subdivision (i) of this subparagraph, to which the public has access without having to obtain the permission or assistance of a store employee, and if a sign posted in accordance with subdivision (iii) of this subparagraph clearly indicates the location of the list. The notice of refund procedures shall take the following format:

NOTICE OF REFUND PROCEDURES FOR BANNED ARTICLES OR SUBSTANCES

If you have purchased any product on the accompanying list of banned articles or substances, return that product to the retail dealer from whom you purchased it and you will receive a refund of the price which you paid for the product and any reasonable and necessary transportation charges incurred in the return of the product.

"Reasonable and necessary transportation charges" include: (1) the actual cost of returning the product in any manner reasonably specified by the dealer, including personal conveyance; or (2) the actual costs incurred in returning the product by mail, commercial carrier, or any other manner, including personal conveyance, reasonably utilized in the absence of specific instructions by the dealer.

[At this place, the retailer may specify the means to be used to return any product on the list purchased from that retailer].

(iii) Prepare and prominently display a sign captioned "BANNED ARTICLES OR SUBSTANCES LIST AND REPURCHASE PROCEDURES." This sign shall be posted on each floor of each store or other establishment open to the public where items similar to the banned product are displayed or sold. Each sign shall be not less than 22 inches by 28 inches in size, shall be printed in color contrasting with the background, and shall be so displayed for a period of not less than 120 days from date the dealer received the latest notification. Each sign shall contain the following language:

BANNED ARTICLES OR SUBSTANCES LIST AND REPURCHASE PROCEDURES

A list of products sold by this store which have been identified as banned articles or substances under the Federal Hazardous Substances Act by the Consumer Product Safety Commission is available for inspection at [describe location of list].

These products should not be used.

The products which appear on this list may be returned for refund as specified in the "Notice of Refund Procedures" which is posted at the same location as the list.

(3) In the case of an article or substance sold at retail other than in a retail establishment, the dealer, upon notification that the product is a banned article or substance, shall publicize a clear and conspicuous "Notice of Banned Article or Substance," as follows, in a manner reasonably calculated to reach as many purchasers of the banned product as practicable:

NOTICE OF BANNED ARTICLE OR SUBSTANCE

The Consumer Product Safety Commission has identified the following as a banned article or substance under the Federal Hazardous Substances Act: [insert identification of banned product including model number or other distinguishing characteristics and name and address of manufacturer].

This product should not be used because [describe nature of hazards associated with the use of the product].

If you have purchased this product, return the product to the retail dealer from whom you purchased it and you will receive a refund of the price which you paid for the product and any reasonable and necessary transportation charges incurred in its return.

If you purchased the product described in this notice from [insert name and address of retailer publishing this notice], return the product to this firm at the address listed above by [specify means of transportation to be utilized] to receive a refund of your purchase price and transportation charges.

Effective date. This order shall become effective March 6, 1974.

(Secs. 10(a), 15, 74 Stat. 378, 380, as amended 83 Stat. 189-90 (15 U.S.C. 1269(a), 1274))

Dated: January 29, 1974.

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

[FR Doc.74-2747 Filed 2-1-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM74-5; Order No. 503]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revisions to FPC Forms for Reporting Year 1973

JANUARY 29, 1974.

On November 8, 1973, the Commission issued a notice of proposed rulemaking in this proceeding (38 FR 31683, November 16, 1973) proposing to amend Annual Report Forms No. 1 and No. 2 and Monthly Report Forms No. 5 and No. 11.

Views and comments were invited from interested parties to be submitted on or before December 10, 1973. Pursuant to this invitation, the Commission received comments from nine respondents.[1]

The revisions proposed consisted mainly of editorial changes, changes that would provide information to facilitate

[1] American Electric Power System Companies, The Cleveland Electric Illuminating Company, Commonwealth Edison Company, Pacific Gas and Electric Company, Public Service Electric and Gas Company, Public Service Indiana, Consolidated Gas Supply Corporation, Tennessee Gas Pipeline Company, United Gas Pipe Line Company.

audits of report forms, changes that clarify instructions, and changes that add reporting consistency. The proposed changes involved:

1. An increase in the number of conformed permanent copies of Annual Report Forms No. 1 and No. 2, to be filed by the Public Utilities, Licensees and Others; and Natural Gas Companies. For the Electric Utilities we proposed to increase the number filed from "an original and four" to an original and six (Attachment A, page 1). For the Natural Gas Companies we proposed to increase the number filed from "an original and three" to an original and four, (Attachment A, page 2).

2. Revision of schedule page 104, titled "Officers" of Annual Report Forms No. 1 and No. 2 to increase the amount of annual salary that is required to be reported from $15,000 to $25,000 for those companies reporting operating revenues of less than $50,000,000 and from $25,000 to $35,000 for those companies with $50,000,000 or more in annual operating revenue.

3. Revision of the schedule pages listed below to clarify existing instructions and cause better consistency in reporting:

Schedule page	Title	Change
	FPC Forms No. 1 and No. 2	
206	Receivables from Associated Companies.	Revising of instruction 3 and format.
209	Production Fuel and Oil Stocks.	Revision of instruction 4.
214A	Deferred Losses from Disposition of Utility Plant.	Revision of instructions 1 and 2 and format.
221	Notes Payable	Addition of new instruction.
222	Payables to Associated Companies.	Revision of instruction 3 and format.
222A	Taxes Accrued, Prepaid and Charged During Year.	Addition of new column added, deletion of one column and revision of instruction 5.
223	Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes.	Addition of subheading.
224A	Deferred Gains from Disposition of Utility Plant.	Same as 214A above.
225	Other Deferred Credits.	Revision of instruction 3 and col. (c).
226	Operating Reserves	Revision of instructions and format.
300	Gain or Loss on Disposition of Property.	Revision of instructions 1 and 2 and format.
303	Particulars Concerning Certain Other Income Accounts.	Revision of instructions.
304	Particulars Concerning Certain Income Deductions and Interest Charges Accounts.	Revision of instructions 1, 2, and 5.
306	Extraordinary Items	Revision of instructions to agree with United States of America.
	FPC Form No. 1	
201	Nonutility Property	Revision of instruction 4 and format.
228	Investment Tax Credits Generated and Utilized.	Revision of column headings.
229	Accumulated Deferred Investment Tax Credits.	Revision of instructions and format.
405	Electric Plant Held for Future Use.	Addition of subheading.
427	Construction Overheads—Electric.	Revision of instructions and column headings.
428	General Description of Construction Overhead Procedure.	Revision of instructions.
	FPC Form No. 2	
201	Nonutility Property	Revision of instruction 4 and format.
228	Investment Tax Credits Generated and Utilized.	Revision of column headings.
229	Accumulated Deferred Investment Tax Credits.	Revision of instructions and format.
521	Sales for Resale—Natural Gas.	Addition of one column.
522	do	Do.
543	Construction Overheads—Gas.	Revision of instructions and column headings.
544	General Description of Construction Overhead Procedure.	Revision of instructions.

4. Revision of Monthly Report Forms No. 5 and No. 11 require that gross additions to the Construction Work in Progress, Account 107, be reported as a separate item on the report forms. In addition, Form No. 11, pages 1 and 4, was proposed for amendment by adding a new table and related changes for reporting the transaction of Supplemental Gas Supplies, such as LNG and SNG, by major pipelines on a monthly basis.

Four respondents concurred with the rulemaking. The other five respondents were, in general, noncommital. However, all respondents except two suggested modifications to the rulemaking. The major areas of response were:

Three respondents suggested an additional (i.e., $40,000 or $50,000 instead of $35,000 as proposed) increase in the amount of salary that is required to be reported on schedule page 104, Officers. The present increases were recommended by the Edison Electric Institute and are in line with the change made by the Securities and Exchange Commission to its Form No. S–1.

Three respondents commented that the change to Instruction No. 4 on page 201, Nonutility Property, which eliminated the $150,000 limitation reporting requirement on property previously devoted to public service should not be made. Instruction No. 4 was proposed for revision so that the schedule would contain a complete listing of all property previously devoted to public service. This information would be used for surveillance over the items.

Two respondents objected to the requirement for detailing the total "debits and credits" for the year on schedule page 206, Receivables from Associated Companies, and on page 221, Payables to Associated Companies. The columns were proposed to be added so that the format of the schedule would be consistent with other reporting requirements.

After considering the comments from the respondents and the staff, we have decided to adopt the changes essentially as proposed in the notice of rulemaking.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Annual Report Forms No. 1 and No. 2, prescribed by §§ 141.1 and 260.1, and to Monthly Report Forms No. 5 and No. 11, prescribed by §§ 141.25 and 260.3, Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act and Natural Gas Act, respectively.

(3) Good cause exists for making the amendments to FPC Forms No. 1 and No. 2, adopted herein, effective for the reporting year 1973.

(4) Good cause exists for making the amendments to FPC Forms No. 5 and No. 11, adopted herein, effective January 1, 1974.

(5) Since the revisions prescribed herein, which were not included in the notice of the proceeding, are of a minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly Sections 301, 304 and 309 (49 Stat. 838, 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h) and the Natural Gas Act, as amended, particularly Sections 8, 10 and 16 (52 Stat. 825–826, 830; 15 U.S.C. 717g, 717i, 717o), orders:

(A) Effective for the reporting year 1973, FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B), prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising schedule pages:

Title	Page No.
Extraordinary Items	306
Electric Plant Held for Future Use	405
Construction Overheads—Electric	427
General Description of Construction Overhead Procedure	428

as set out in Attachments A, B, C and D hereto.[1]

(B) Effective January 1, 1974, FPC Form No. 5, Monthly Statement of Electric Operating Revenue and Income, prescribed by § 141.25, Chapter I, Title 18 of the Code of Federal Regulations is amended, as set out in Attachment F hereto.[1]

(C) Effective for the reporting year 1973, FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising schedule pages:

Title	Page No.
General Instructions	1
Officers	104
Nonutility Property	201
Receivables from Associated Companies	206
Production Fuels and Oil Stocks	209
Deferred Losses from Disposition of Utility Plant	214A
Notes Payable	221
Payables to Associated Companies	221
Taxes Accrued, Prepaid and Charged During Year	222A
Reconciliation of Reported Net Income with Taxable Income for Federal Income Taxes	223
Deferred Gains from Disposition of Utility Plant	224A
Other Deferred Credits	225
Operating Reserves	226
Investment Tax Credits Generated and Utilized	228
Accumulated Deferred Investment Tax Credits	229
Gain or Loss on Disposition of Property	300
Particulars Concerning Certain Other Income Accounts	303
Particulars Concerning Certain Income Deductions and Interest Charges Accounts	304
Extraordinary Items	306
Sales for Resale—Natural Gas	521
Sales for Resale—Natural Gas	522
Construction Overheads—Gas	543
General Description of Construction Overhead Procedure	544

as set out in Attachments A, B, C and E, hereto.[1]

(D) Effective January 1, 1974, FPC Form No. 11, Natural Gas Pipeline Company Monthly Statement, prescribed by § 260.3, Chapter I, Title 18 of the Code of Federal Regulations is amended, as set out in Attachment G, hereto.[1]

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2842 Filed 2-1-74;8:45 am]

[1] Attachments A-G filed as part of the original document.

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytetracycline Hydrochloride

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-127V) filed by Rachelle Laboratories, Inc., 700 Henry Ford Ave., Long Beach, CA 90801, proposing the safe and effective use of oxytetracycline hydrochloride injection for the treatment of cattle. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.65 by adding a new paragraph (c) as follows:

§ 135b.65 Oxytetracycline hydrochloride injection.

* * * * *

(c)(1) *Specifications.* The drug contains 50 milligrams of oxytetracycline hydrochloride in each milliliter of sterile solution.

(2) *Sponsor.* See code No. 071 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) The drug is intended for use in the treatment of disease due to oxytetracycline-susceptible organisms in beef cattle and non-lactating dairy cattle. It is indicated in the treatment of pneumonia and shipping fever complex associated with *Pasteurella sp., Hemophilus sp., Klebsiella sp.,* foot rot and diphtheria caused by *Spherophorus necrophorus,* bacterial enteritis (scours) caused by *Escherichia coli,* wooden tongue caused by *Actinobacillus lignieresi,* acute metritis, and wound infections caused by staphlococcal and streptococcal organisms.

(ii) It is administered to cattle at a dosage level of 3 to 5 milligrams per pound of body weight per day intramuscularly or intravenously. Severe foot rot and the severe forms of the indicated diseases should be treated with 5 milligrams per pound of body weight. Treatment should be continued 24 to 48 hours following remission of disease symptoms, however, not to exceed a total of 4 consecutive days. If no improvement is noted within 24 hours, consult a veterinarian. When injecting the drug intramuscularly, do not inject more than 10 milliliters per site in adult cattle. Reduce the amount injected at each site according to the size of the animal. For very small calves do not use more than 2 milliliters per injection site.

(iii) Not for use in lactating dairy cattle. Discontinue treatment at least 19 days prior to slaughter. When administered intramuscularly within 30 days of slaughter, muscle discoloration may necessitate trimming of the injection site and surrounding tissues.

Effective date. This order shall be effective February 4, 1974.

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

Dated: January 29, 1974.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.74-2793 Filed 2-1-74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Chlortetracycline, Sulfathiazole, Penicillin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (39-077V) filed by Diamond Shamrock Chemical Co., 60 Park Place, Newark, NJ 07101, proposing additional claims for safe and effective use of chlortetracycline, sulfathiazole, and penicillin in swine feed. The supplemental application is approved subject to the requirements of §§ 135.102 and 135.109.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended in § 135e.58(f), the table, by revising the text under the "Indications for use" column to read as follows:

§ 135e.58 Chlortetracycline, procaine penicillin, and sulfathiazole.

* * * * *

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	For increased rate of weight gain and improved feed efficiency in animals up to 6 weeks postweaning. For increased rate of weight gain in animals from 6 to 16 weeks postweaning. Maintenance of weight gains in the presence of atrophic rhinitis; reduction of the incidence of cervical abscesses; treatment of bacterial swine enteritis (salmonellosis or necrotic enteritis caused by *Salmonella choleraesuis* and vibrionic dysentery).

Effective date. This order shall be effective February 4, 1974.

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

Dated: January 28, 1974.

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

[FR Doc.74-2792 Filed 2-1-74;8:45 am]

PART 135f—NEW ANIMAL DRUGS FOR MISCELLANEOUS USE

Cephalothin Discs

The Commissioner of Food and Drugs has evaluated a new animal drug application (92-602V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, proposing safe and effective use of cephalothin discs, for veteri-

nary laboratory use to determine the in vitro susceptibility of bacteria to cephaloridine and cephalonium. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135f is amended by adding a new section as follows:

§ 135f.5 Cephalothin discs, veterinary.

(a) *Specifications.* Cephalothin discs, veterinary comply with the requirements of § 147.2 of this chapter.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The discs are used for determining the in vitro susceptibility of bacteria to cephaloridine and cephalonium.

(2) For veterinary laboratory diagnosis only.

Effective date. This order shall be effective February 4, 1974.

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

Dated: January 27, 1974.

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

[FR Doc.74-2790 Filed 2-1-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7304]

PART 12—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1971

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

Designation by Individuals to Presidential Election Campaign Fund

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Wednesday, November 28, 1973 (38 FR 32812), amendments to the regulations on Procedure and Administration (26 CFR Part 301) under section 6096 of the Internal Revenue Code of 1954 were proposed in order to provide rules for the administration of the Presidential Election Campaign Fund. The proposed regulations provided that designations to the Presidential Election Campaign Fund, if made at the time of filing the tax return, shall be made on either the first page of the return or on the page bearing the taxpayer's signature, in accordance with the applicable instructions. Further, the proposed regulations provided that if a designation was not made at the time of filing the tax return, a designation may be made on the form furnished by the Internal Revenue Service for such purpose, filed within 20 and one half months after the due date for the original return for such taxable year.

The proposed regulations reflected the legislative changes in section 6096, made by section 802(a) of the Revenue Act of 1971 (85 Stat. 573) and by section 6(a) of the Act of July 1, 1973 (87 Stat. 135).

After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are adopted by this document without change.

Adoption of amendments to the regulations. On Wednesday, November 28, 1973, notice of proposed rulemaking with respect to the amendments of the regulations on procedure and administration (26 CFR Part 301) under section 6096 of the Internal Revenue Code of 1954, regarding the Presidential Election Campaign Fund, was published in the FEDERAL REGISTER. After Consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, effective for taxable years ending on or after December 31, 1972.

Section 12.6 of the temporary Income Tax Regulations under the Revenue Act of 1971 (26 CFR Part 12) is superseded.

(Section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: January 25, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

PARAGRAPH 1. The following new sections are added immediately after § 301.6091-1:

§ 301.6096 Statutory provisions; designation by individuals.

SEC. 6096. *Designation by individuals*—(a) *In General.* Every individual (other than a nonresident alien) whose income tax liability for any taxable year is $1 or more may designate that $1 shall be paid over to the Presidential Election Campaign Fund in accordance with the provisions of section 9006(a). In the case of a joint return of husband and wife having an income tax liability of $2 or more, each spouse may designate that $1 shall be paid to the fund.

(b) *Income tax liability.* For purposes of subsection (a), the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under sections 33, 37, 38, 40 and 41.

(c) *Manner and time of designation.* A designation under subsection (a) may be made with respect to any taxable year—

(1) At the time of filing the return of the tax imposed by chapter 1 for such taxable year; or

(a) At any other time (after the time of filing the return of the tax imposed by chapter 1 for such taxable year) specified in regulations prescribed by the Secretary or his delegate.

Such designation shall be made in such manner as the Secretary or his delegate prescribes by regulations except that, if such designation is made at the time of filing the return of the tax imposed by chapter 1 for such taxable year such designation shall be made either on the first page of the return or on the page bearing the taxpayer's signature.

(Sec. 6096 added by sec. 302, Foreign Investors Tax Act 1966 (80 Stat. 1587); amended by sec. 802 (a) and (b)(2), Rev. Act 1971 (85 Stat. 573) and by sec. 6(a) of the Act of July 1, 1973. (87 Stat. 135).)

§ 301.6096-1 Designation by individuals for taxable years beginning after December 31, 1972.

(a) *In general.* Every individual (other than a nonresident alien) whose income tax liability, as defined in paragraph (b) of this section, is one dollar or more may, at his option, designate that one dollar shall be paid over to the Presidential Election Campaign Fund, in accordance with the provisions of section 9006. In the case of a joint return of a husband and wife, each spouse may designate that one dollar be paid to the fund as provided in this paragraph only if the joint income tax liability of the husband and wife is two dollars or more.

(b) *Income tax liability.* For purposes of paragraph (a) of this section, the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return) allowable under sections 33, 37, 38, 40 and 41.

(c) *Manner and time of designation.* (1) A designation under paragraph (a) of this section may be made with respect to any taxable year at the time of the filing of the return of the tax imposed by chapter 1 for such taxable year, and shall be made either on the first page of the return or on the page bearing the taxpayer's signature, in accordance with the instructions applicable thereto.

(2) With respect to any taxable year beginning after December 31, 1972 for which no designation was made under paragraph (c)(1) of this section, a designation may be made on the form furnished by the Internal Revenue Service for such purpose, filed within 20 and one half months after the due date for the original return for such taxable year. In the case of a joint return where neither spouse made a designation or where only one spouse made a designation, a designation may be made, as provided in this subparagraph, by the spouse or spouses who had not previously made a designation.

(3) A designation once made, whether by an original return or otherwise, may not be revoked.

(d) *Effective date.* This section shall apply to taxable years beginning after December 31, 1972.

§ 301.6096-2 Designation by individuals for taxable years ending on or after December 31, 1972 and beginning before January 1, 1973.

(a) *In general.* (1) For taxable years ending on or after December 31, 1972 and beginning before January 1, 1973, every individual (other than a non-resident

alien) whose income tax liability, as defined in paragraph (b) of this section, is one dollar or more, may, at his option, designate that one dollar shall be paid over to the Presidential Election Campaign Fund, referred to in § 301.6096–1 (a). Where in accordance with prior law, such a designation was made for the account of any candidate of any specified political party, or for a general account for all candidates for election to the offices of President and Vice President of the United States, such a designation shall be treated solely as a designation to such fund.

(2) In the case of a joint return of a husband and wife, each spouse may designate that one dollar be paid to the fund as provided in paragraph (a) (1) of this section only if the joint income tax liability of the husband and wife is two dollars or more.

(b) *Income tax liability.* For purposes of paragraph (a) of this section, the income tax liability of an individual for any taxable year is the amount of the tax imposed by chapter 1 on such individual for such taxable year (as shown on his return), reduced by the sum of the credits (as shown on his return).

(c) *Manner and time of designation.* (1) A designation under paragraph (a) of this section may be made with respect to any such taxable year at the time of the filing of the return of the tax imposed by chapter 1 for such taxable year. If such designation is made at the time of filing the original return for such year, it shall be made by the individual on the form furnished by the Internal Revenue Service for such purpose in accordance with the instructions applicable thereto.

(2) With respect to any taxable year ending on or after December 31, 1972 and beginning before January 1, 1973, for which no designation was made under paragraph (c) (1) of this section, a designation may be made on the form furnished by the Internal Revenue Service for such purpose, filed within 20 and one half months after the due date for the original return for such taxable year. In the case of a joint return where neither spouse made a designation or where only one spouse made a designation, a designation may be made, as provided in this subparagraph, by the spouse or spouses who had not previously made a designation.

(3) A designation once made, whether by an original return or otherwise, may not be revoked.

PAR. 2. Section 12.6 of the temporary Income Tax Regulations under the Revenue Act of 1971 (26 CFR Part 12) is superseded.

[FR Doc.74–2795 Filed 2–1–74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER I—MILITARY PERSONNEL

PART 888d—ENLISTMENT AND DISCHARGE OF AFROTC CADETS

Miscellaneous Amendments

This update expands and clarifies the actions taken at the time of enlistment; and adds the basis for discharge, reporting cadets for discharge or order to extended active duty (EAD), and Air Reserve Personnel Center (ARPC) actions on cadets reported for EAD in their enlisted grades.

Part 888d is amended as follows:

1. The contents for this Part 888d is amended by changing the title of § 888d.12 and adding new §§ 888d.16, 888d.18 and 888d.20 to read as follows:

Sec.
888d.12 Action at time of enlistment.
888d.16 Basis for discharge.
888d.18 Reporting cadets for discharge or order to extended active duty.
888d.20 Air Reserve Personnel Center actions on cadets reported for extended active duty in their enlisted grade.

§ 888d.6 [Amended]

2. Section 888d.6 is amended in the third line of the text by changing " * * * in Part 888b of this chapter * * *" to read " * * * in Part 888 of this chapter * * * ".

3. Section 888d.12 is revised to read as follows:

§ 8883.12 Action at time of enlistment.

The enlistment authority:

(a) Completes counseling requirements according to Part 888 and Part 870 of this chapter.

(b) Ensures that enlistment documents and forms are prepared in accordance with Part 888 of this chapter. Exceptions are explained in paragraph (b) (2) of this section.

(1) *AF Form 22 Statement of Understanding (United States Air Force Reserve).* Each student enlisted under this part must certify that the applicable provisions are understood. If the student is under 18 years of age when AF Form 22 is completed, the signature of a parent or guardian is required.

(2) *DD Form 4 Enlistment Contract—Armed Forces of the United States.* Prepare according to Part 888 of this chapter. Exceptions are:

(i) Item 12—enter "AFR 45–14 AF ROTC."

(ii) Item 44—enter "AFROTC Qual."

(iii) Item 56—type in "I understand that in computing length of service for any purpose (except male enlistees fulfilling their 6-year Military Service Obligation (MSO) under 10 U.S.C. 651) an officer appointed through the Senior ROTC program may not be credited with service either as a cadet or concurrent enlisted service. If commissioned through this program I will remain a member of a Regular or Reserve component until the sixth anniversary of receipt of such commission. If the Air Force does not require fulfillment of my active duty service commitment and, in lieu thereof I am ordered to active duty for training for a period of not more than 6 months, I will remain a member of a Reserve component until the eighth anniversary of the receipt of my commission."

NOTE: A cadet discontinued from AFROTC membership and discharged from the USAFR (ORS) may apply for enlistment or reenlistment. If eligible for enlistment in the Regular Air Force, or reenlistment in the USAFR cadet service with concurrent Reserve status is creditable in computing basic pay and is creditable toward completing the enlisted member's military service obligation (MSO).

(3) *DD Form 44, Record of Military Status of Registrant.* When applicant enlists, a DD Form 44 will be prepared and distributed in accordance with Part 870 of this chapter. (Required for male enlistees only.)

(4) *AF Form 2061, USAF Drug Abuse Certificate (Appointment/Officer Training Applicants Only).* Before enlistment, applicant completes AF Form 2061 in accordance with Part 870 of this chapter.

(5) *AF Form 2031, Drug Abuse Circumstances.* Accomplish AF Form 2031 in accordance with Part 870 of this chapter.

(c) Ensures that an applicant who is a member of any military component, including the USAFR, upon entrance into this program, is discharged and reenlisted. Discharge is contingent upon immediate reenlistment under this part.

(d) Determines the grade in which the applicant will be enlisted.

(e) Publishes Reserve order in accordance with Air Force Regulation (AFR) 10–7, chapter 3, assigning enlistee to ARPC (ORS) (AFROTC).

4. Section 888d.14 is amended by revising paragraphs (b) and (c) to read as follows:

§ 888d.14 Failure to complete training or accept commission.

(a) * * *

(b) *Professional Officer Course (nonscholarship).* A cadet who does not complete the course of instruction, or declines to accept a commission upon completion, will normally be ordered to active duty to serve in enlisted status for 2 years.

(c) *Professional Officer Course (College Scholarship Course).* A cadet who:

(1) Does not complete this program of instruction will normally be ordered to active duty in enlisted status for 2 years; or

(2) Completed this program of instruction, but declines a commission when offered, will normally be ordered to active duty in enlisted status for 4 years.

5. New §§ 888d.16, 888d.18, and 888d.20 are added to read as follows:

§ 888d.16 Basis for discharge.

Discharge is accomplished by ARPC upon:

(a) Successful completion of the AF ROTC program and acceptance of a commission. The discharge is:

(1) Effective the day preceding acceptance of the commission.

(2) For the convenience of the government.

(b) Discontinuance of AFROTC membership for any reason unless reported for order to active duty involuntarily under § 888d.18 of this part. A request for discharge must be accompanied by DD Form 785, "Record of Disenrollment from Officer Candidate-Type Training," for permanent inclusion in the cadet's Master Personnel Record Group. All other discharges are for the convenience of the government.

(c) Termination of a scholarship when the student remains a member of the GMC or has completed GMC instruction, but has not begun POC instruction. Discharge occurs the day of scholarship termination and is for the convenience of the government.

NOTE.: Discharge under paragraphs (b) and (c) of this section does not relieve a male cadet from draft liability, under the Military Selective Service Act of 1967, as amended.

§ 888d.18 Reporting cadets for discharge or order to extended active duty.

(a) The Commandant, AFROTC, reports the names of AFROTC cadets or former cadets who qualify for administrative discharge to ARPC at least once a week.

(b) The Commandant, AFROTC, will report the name of a discontinued POC cadet to ARPC for order to involuntary active duty in enlisted grade if the cadet was discontinued for indifference to training, disciplinary reasons, breach or anticipatory breach of the terms of the category agreement, and/or declining to accept a commission. The period of involuntary active duty will be as described in § 888d.14 and restated in the cadet's AF Form 22.

§ 888d.20 Air Reserve Personnel Center actions on cadets reported for extended active duty in their enlisted grade.

(a) On notification from the Commandant, AFROTC, that discontinued cadets have been identified for order to extended active duty (EAD) involuntarily in their enlisted grade, ARPC advises the discontinued cadets that they:

(1) will be ordered to EAD involuntarily in their enlisted grade for the period prescribed by the AF Form 22 except that:

(i) Discontinued cadets will not be ordered to EAD until they would normally complete undergraduate degree requirements or disenroll from the institution, whichever occurs first. Discontinued cadets enrolled in graduate school will not be ordered to EAD until they would normally complete the academic year in which they are disenrolled or disenroll from the institution, whichever occurs first;

(ii) Individuals will normally be given at least 60 days' notification before their EAD date; and

(iii) When ARPC notification permits, students will be entered on EAD within 30 days after the date they would normally complete degree requirements or their current academic year of graduate school, as appropriate. When ARPC notification occurs after a disenrolled cadet has completed degree requirements, disenrolled from college, or is a graduate student between academic years, EAD will be scheduled not later than 75 days after ARPC notification.

(2) Must keep ARPC informed of any change in their status which may have a bearing on their availability for EAD or affect their status in the USAFR.

(b) ARPC publishes appropriate orders not less than 30 days prior to scheduled EAD date and sends copies to the discontinued cadet by registered mail, return receipt requested.

(c) Exceptions to the provisions of this part require approval of AFMPC/DPMMPO, Randolph Air Force Base, Texas 78148.

(10 U.S.C. 8012, except as otherwise noted)

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-2770 Filed 2-1-74;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 Services

Correction

In FR Doc. 74-2122, in the issue for Friday, January 25, 1974, appearing at page 3256, the last sentence under paragraph (b)(3)(ii) of § 570.35a which reads "a reasonable size. A unit of 12 to 25 stud-" should read "instruction and on-the-job training."

Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

[Amdt. 7]

DPS REG. 1—BASIC RULES OF THE PRIORITIES SYSTEM

Change in List A; Items Exempt From Rating

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended (50 U.S.C. App. 2154). In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment supersedes Amendment 5 to DPS Regulation 1 (35 FR 19575). It affects DPS Regulation 1 as heretofore amended by excluding from the category of items not subject to ratings the following, thereby making them subject to ratings under this regulation: (a) Domestic refined copper, and (b) wood pulp.

Item 1 of List A of DPS Regulation 1 is hereby amended to read as follows:

List A

1. The following items are not presently subject to ratings issued by or under the authority of BDC, and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly Order M-11A), except intermediate shapes (as defined in that order), and except refined copper (as defined in that order but limited to such refined copper made from ores mined in the continental United States).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.

This amendment shall take effect February 4, 1974.

(Defense Production Act of 1950, as amended, 64 Stat. 816; 50 U.S.C. App. 2061 et seq., Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949-1953 Comp., p. 919; Executive Order 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10-3, as amended, 38 FR 33624)

BUREAU OF DOMESTIC COMMERCE,
GARY M. COOK,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-2746 Filed 2-1-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-259 R]

PART 110—ANCHORAGE REGULATIONS

Anchorage Grounds, Wilmington River, Georgia

This amendment to the anchorage regulations terminates the anchorage grounds on the Wilmington River at Thunderbolt, Georgia, as published in 33 CFR 110.178. The anchorage ground is no longer suitable for the anchoring of vessels because of the construction of a bridge through the anchorage and because of existing shoal conditions.

This amendment is based on a notice of proposed rulemaking published in the Thursday, November 25, 1971, issue of the FEDERAL REGISTER (36 FR 22598) and Public Notice 3171/Ga., issued by the Commander, Seventh Coast Guard District.

No comments concerning the termination of the anchorage were received.

In consideration of the foregoing, § 110.178 of Part 110 of Title 33 of the Code of Federal Regulations is revoked.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1), 33 CFR 1.05(c)(1))

Effective date. This amendment shall become effective on March 1, 1974.

Dated: January 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-2797 Filed 2-1-74;8:45 am]

[CGD 73-198R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Alabama River, Ala.

This amendment changes the regulations for the Louisville and Nashville railroad bridge, mile 293.3 near Montgomery, Alabama to require at least 24 hours notice before the draw need open. This amendment was circulated as a public notice dated September 17, 1973 by the Commander, Eighth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 73-198P) on September 11, 1973 (38 FR 24912). Three replies were received. One objected to the proposed change on a permanent basis, however, each regulation issued is subject to change at any time conditions warrant. One requested that the required opening time be extended from 24 to 48 hours. Other bridges on the same reach of the Alabama River are on the 24 hour time frame and this bridge should be also. One reply offered no objection. The proposal incorrectly stated that a new paragraph (i) (12-a) would be added after paragraph (i) (12). This is corrected to read paragraph (i) (12-b) as a paragraph (i) (12-a) is already in use.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new paragraph (i) (12-b) to § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(12-b) Alabama River, Ala., Louisville and Nashville railroad bridge, mile 293.3, near Montgomery. The draw shall open on signal if at least 24 hours notice is given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4)).

Effective date. This revision shall become effective on March 1, 1974.

Dated: January 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-2799 Filed 2-1-74;8:45 am]

[CGD 73-197R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Red River, La. and Ark.

This amendment changes the regulations for the drawbridges across the Red River from mile 66.0, the location of the first drawbridge, to mile 283.1 to require at least 48 hours notice. Those drawbridges above mile 283.1 need not open for the passage of vessels. This amendment was circulated as a public notice dated September 18, 1973 by the Commander, Second Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking [CGD 73-197P] on September 11, 1973 (38 FR 24913). One comment was received and objected to this proposal in view of potential future navigation. This is not considered valid because the Corps of Engineers has no project that would significantly change navigation for at least 8 years. If navigation does increase these regulations may be reexamined at that time.

Accordingly, § 117.560 of Part 117 of Title 33 of the Code of Federal Regulations is amended by:

(1) Deleting paragraphs (f) (2), (2-a), (3), (4), (5), (6), and (7) and (2) Adding a new paragraph (f) (2) to read as follows:

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Red River, La. and Ark., mile 66.0 to mile 283.1. At least 48 hours notice is required. The draws of the bridges need not open for a vessel that arrives at any of these bridges more than 2 hours after the time specified in the notice, unless a second notice of at least 48 hours is given. The draws of the bridges above mile 283.1 need not open for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4))

Effective date. This revision shall become effective on March 1, 1974.

Dated: January 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.74-2800 Filed 2-1-74;8:45 am]

[CGD 74-16R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Shrewsbury River, New Jersey

This amendment revokes the regulations for the Monmouth County Gooseneck Highway bridge across the Shrewsbury River at the junction of Parker and Oceanport Creeks, New Jersey, because this bridge has been replaced by a fixed bridge.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking paragraph (f) (6) of § 117.225.

§ 117.225 Navigable waters in the State of New Jersey: bridges where constant attendance of draw tenders is not required.

(f) * * *

(6) [Revoked]

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1 (c) (4)).

Effective date. This revocation shall become effective on March 1, 1974.

Dated: January 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief Office of Marine Environment and Systems.

[FR Doc.74-2801 Filed 2-1-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1112]

PART 1033—CAR SERVICE

Railroad Operating Regulations for Freight Car Movement

It appearing that there are acute shortages of freight cars throughout the country; that certain carriers are unable to furnish an adequate supply of freight cars to shippers located on their lines; that these shortages of freight cars are impeding both the domestic and export movements of agricultural, 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:

§ 1033.1112 Service Order No. 1112.

(a) *Railroad operating regulations for freight car movement.* 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 loaded cars.

[1] (iii) This order shall apply to all empty general service freight equipment cars described on pages 1119–1121, inclusive and listed in the Official Railway Equipment, Register ICC RER No. 390, issued by W. J. Trezise, or reissues thereof including cars bearing mechanical designations modified in the manner described in the various notes thereto. (See exceptions, paragraph (a)(1) (iv), (v), (vi), (vii), and (viii) of this section.)

(iv) *Exception:* Car of mechanical designation FL, SC, SM, ST, or NE.

[1] (v) *Exception:* Empty cars of private ownership as defined in Service Order No. 1170, or revisions thereof.

(vi) *Exception:* Empty cars owned by The Alaska Railroad, while held in the State of Washington, pursuant to instructions of the car owner, are exempt from the provisions of this order.

(vii) *Exception:* Empty cars, described in paragraph (a)(1)(iii) of this section, which are in general service and are not assigned to the exclusive use of a specified shipper, owned by and bearing the registered reporting marks assigned to the line holding the car, are exempt from the provisions of this order.

(viii) *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 and shall be sent to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for recording and submission to the Railroad Service Board, Interstate Commerce Commission, for consideratoin.

(ix) This order shall apply to all empty cars described in paragraph (a)(1)(iii) of this section, which are assigned to the exclusive use of a specified shipper, except as otherwise provided in this section.

(x) Freight cars assigned to the exclusive use of a specified shipper may be removed from assignment: *Provided,* That assignee furnishes written notice to originating railroad and to the car owner, if different from originating railroads, at least one day in advance of his desire to release such cars from assignment on a permanent, or on a temporary basis of not less than 15 days' duration (see exception). The carrier must remove cars from assignment in accordance with assignee's request.

EXCEPTION: Assigned cars which have arrived empty at the point of assignment or at a point of loading designated by assignee, shall not be diverted empty to another point for loading unless authorized by prepaid shipment order showing destination and route at a rate of ten cents (10¢) per mile, subject to a minimum of 100 miles for each railroad handling the car in line-haul service, plus applicable tariff switching charges of each participating railroad which does not provide line-haul service in connection with the movement or unless released from assignment in the manner described herein. If released from assignment, cars may not be ordered empty to any point or shipper on instructions of the assignee who ordered the release of the cars.

(xi) Car assigned to the exclusive use of a specified shipper must be listed on assignment lists posted in the office of the Chief Transportation Officer of the car owner, and in the office designated to issue waybills and other shipping documents for loaded movements from the points of assignment. Assignment lists must specify initial and number of each assigned car, the shipper to whom assigned, and the date car assignment became effective. Requests for assignments of cars must be secured in writing, or confirmed in writing, by the carrier on whose lines the cars are assigned, not less than ten days before the effective date of the car assignment. Freight cars in assigned service on October 9, 1972, shall be considered as having been in such assignments for ten days or longer, provided that the assignment lists are prepared and posted, as required herein, not later than October 23, 1972.

(xii) The mechanical designations of existing freight cars in paragraph (a)(1)(iii) of this section may not be changed to any mechanical designation other than those listed in paragraph (a)(1)(iii) of this section during the period this order is in effect.

(xiii) 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.

(xiv) 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.

[1] (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 are in general service and are not assigned to the exclusive use of specified shipper, which after placement will be subject to demurrage or detention rules applicable to cars for loading, shall be actually or constructively placed within 48 hours, exclusive of Saturdays, Sundays, and holidays, after arrival at the point where held.

(iii) (A) Empty cars described in paragraph (a)(1)(ix) of this section which are assigned to the exclusive use of a specified shipper shall be subject to a storage charge of $5.00 per car per day or fraction thereof until ordered placed for loading or appropriated for loading, without free time allowance and without allowance for Saturdays, Sundays, and holidays. (See exception, paragraph (a)(2)(iv) of this section.)

(B) In computing storage charges on cars subject to this part, such charges shall begin at the second 7:00 a.m., exclusive of Saturdays, Sundays, and holidays, following the sending or giving of notice that the cars are being held awaiting orders for actual placement or appropriation for loading.

(C) When empty assigned cars are held at any point awaiting orders from assignee for placement for loading or awaiting appropriation by assignee for loading, a written notice of arrival (see note) shall be sent or given assignee within 24 hours of arrival of the empty car at the point where held, exclusive of Saturdays, Sundays, and holidays. Such notice shall contain the initials and numbers of each car held and shall state that each car is being held subject to a storage charge of $5.00 per car per day or fraction of a day, until ordered placed for loading or ordered released, in writing, from assignment.

NOTE: When the assignee notifies the railroad, in writing, that it will accept verbal or telephone notice of the arrival of empty assigned cars, verbal or telephone notice may be substituted for written notice of arrival. The carriers will maintain a written record of all such verbal or telephone notices, such records to show car initials and numbers, date and hour of notice, name of assignee, name of railroad employee giving the notice, and name of employee of assignee receiving the notice.

(D) Empty cars released from storage status by order or appropriation for loading shall be subject to all demurrage or detention rules and charges published in tariffs applicable to cars held for loading, from time released from storage charges.

(iv) *Exception to paragraph (a)(2)(iii) of this section.* When it is impossible to load or to receive for loading empty cars assigned to the exclusive use of a shipper because of cessation of operations for a period of five days or more resulting from a strike, work stoppage, flood, high water, or other interference at the plant of the assignee for which empty assigned cars are held, the charges provided in paragraph (a)(2)(iii) of this section, paragraph (a)(2) shall be suspended for the period of such interference with operations; provided, that the assignee furnishes a written notice to the carrier at the point of assignment, with a copy to the Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C., for his approval. Such notice shall be given within five days, exclusive of Saturdays, Sundays, and holidays, after the date on which the interference ceased; and shall state the date and time when the interference began and ceased and the cause of the interference.

[1] (v) When delivery of a car, either empty or loaded, 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 care shall be held at destination or, if it cannot reasonably be accommodated here, 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.

(vi) 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.

(vii) 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.* [1](i) Empty cars must be removed from point of unloading or interchange tracks of industrial plants within 24 hours, exclusive of Sundays, and holidays, following unloading or release by consignee or shipper, unless such empty cars are ordered or appropriated by the shipper for reloading within such 24-hour period. Empty cars not ordered for loading at point where made empty must be forwarded or set aside for cleaning, repairs, or weighed, if to be weighed at that point, within 24 hours following removal of empty cars.

[1](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 or weighed, if to be weighed, at that point, within 24 hours, following release and removal.

(iii) Cars subject to paragraphs (a) (3) (i) and (ii) of this section, not made accessible to the carrier, shall be subject to demurrage until such time as they become, and remain, accessible to the carrier.

(iv) Cars shall not be removed from point of unloading or from industrial interchange tracks, nor released from demurrage or detention status, until all bracing, blocking, dunnage, paper, residue of lading, debris, and other foreign matter directly related to the inbound load have been removed from the car in accordance with the requirements of Rules 14 and 27 of the Uniform Freight Classification, I.C.C. 7, issued by J. D. Sherson, supplements thereto, or reissues thereof.

EXCEPTION: Dunnage being returned to shipper under the provisions of the applicable tariffs may be left in cars released as empty, provided that proper shipping instructions are received by the carrier prior to 5:00 p.m., of the first day, which is not a Saturday, Sunday or holiday, immediately following release of the car.

(4) *Forwarding of cars.* (i) Loaded cars and empty cars shall be forwarded within 24 hours, except cars described in paragraphs (a) (3) (ii), (iii), or (iv) of this section, or cars described in paragraph (a) (2) (ii) of this section.

(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.

[1] (iii) *Exception.* Cars held for repairs, weighing, or cleaning. (See paragraph (a) (5) of this section.)

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

(5) *Cars held for repairs, weighing, or cleaning.* (i) Cars of system, foreign, or private ownership which are held for light repairs or cleaning shall be placed on repair or cleaning tracks not later than the first 7 a.m., exclusive of Sundays, and holidays, after time carded for repairs or cleaning. 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 held awaiting such material, repairs 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.

[1] (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.

[1] (iv) Cars which have been repaired, cleaned or weighed shall become subject such to paragraphs 2, 3, or 4, of this section, as applicable, from the date such repairs, cleaning or weighing have been accomplished.

(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 siding 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 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., February 1, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 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 (10–17), 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 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.74-2858 Filed 2-1-74;8:45 am]

[1] Change.

Proposed Rules

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 301]

INCOME TAX; PROCEDURE AND ADMINISTRATION

Innocent Spouses

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by March 7, 1974. Written comments or suggestions which are not exempt from disclosure by the Internal Revenue Service may be inspected by any person upon compliance with 26 CFR 601.702(d)(9). The provisions of 26 CFR 601.601(b) shall apply with respect to the designation of portions of comments or suggestions as exempt from disclosure. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by March 7, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

These regulations are being amended to conform the Income Tax Regulations (26 CFR Part 1) to the addition to the Internal Revenue Code of 1954 of section 6013(e) and the amendment of section 6653(b) by the Act of January 12, 1971 (Public Law 91–679, § 1 and § 2, 84 Stat. 2063).

Section 6013 provides for joint tax liability for a husband and wife when a joint return has been filed. Subsection (e) was added to section 6013 in order to relieve a taxpayer who is innocent of wrongdoing of any tax liability for certain omissions from income which are both concealed from the taxpayer and significant in amount.

Section 6653(b) provides for fraud penalties arising from circumstances which are defined therein, including a fraudulent act in the filing of an income tax return. Subsection (b) of section 6653 was amended by the addition of a sentence which would relieve a taxpayer of joint liability for a fraud penalty in any situation in which he was not specifically engaged in the fraud himself.

PROPOSED AMENDMENTS TO THE REGULATIONS

In view of the foregoing the Income Tax Regulations (26 CFR Part 1) under sections 6013 and 6653 of the Internal Revenue Code of 1954, are amended as follows:

PARAGRAPH 1. Section 1.6013 is amended by adding a new subsection (e) to section 6013 and by revising the historical note. The new provisions read as follows:

§ 1.6013 Statutory provisions; joint returns of income tax by husband and wife.

Sec. 6013. *Joint returns of income tax by husband and wife.* * * *

(e) *Spouse relieved of liability in certain cases*—(1) *In general.* Under regulations prescribed by the Secretary or his delegate, if—

(A) A joint return has been made under this section for a taxable year and on such return there was omitted from gross income an amount properly includable therein which is attributable to one spouse and which is in excess of 25 percent of the amount of gross income stated in the return.

(B) The other spouse establishes that in signing the return he or she did not know of, and had no reason to know of, such omission, and

(C) Taking into account whether or not the other spouse significantly benefitted directly or indirectly from the items omitted from gross income and taking into account all other facts and circumstances, it is inequitable to hold the other spouse liable for the deficiency in tax for such taxable year attributable to such omission, then the other spouse shall be relieved of liability for tax (including interest, penalties, and other amounts) for such taxable year to the extent that such liability is attributable to such omission from gross income.

(2) *Special rules.* For purpose of paragraph (1)—

(A) The determination of the spouse to whom items of gross income (other than gross income from property) are attributable shall be made without regard to community property laws, and

(B) The amount omitted from gross income shall be determined in the manner provided by section 6501(e)(1)(A).

* * * * *

[Sec. 6013(e) as added by sec. 1 of the Act of January 12, 1971 (Pub. Law 91–679, 84 Stat. 2063)]

* * * * *

PAR. 2. A new § 1.6013–5 is added immediately following § 1.6013–4 to read as follows:

§ 1.6013–5 Spouse relieved of liability in certain cases.

(a) *In general.* A person shall be relieved from liability for any tax, penalties, additions to tax, interest, or other amounts, to the extent that such liability is attributable to an omission from gross income in a taxable year, and—

(1) He filed a joint return with a spouse in such taxable year,

(2) An amount of income which exceeds 25 percent of the amount of gross income which is stated in the return (as determined in a manner provided by section 6501(e)(1)(A) of the Code) was omitted from the return, and should have been, under chapter 1 of the Code, included in the return,

(3) He establishes that he did not know of, and had no reason to know of such omission, and

(4) It is inequitable to hold the taxpayer liable for the deficiency in tax for such taxable year attributable to such omission.

(b) *Inequitable defined.* Whether it is inequitable to hold a person liable for the deficiency in tax, within the meaning of paragraph (a)(4) of this section, is to be determined on the basis of all the facts and circumstances. In making such a determination a factor to be considered is whether the person seeking relief significantly benefited, directly or indirectly, from the items omitted from gross income. However, normal support is not a significant "benefit" for purposes of this determination. Evidence of direct or indirect benefit may consist of transfers of property, including transfers which may be received several years after the year in which the omitted item of income should have been included in gross income. Thus, for example, if a person seeking relief receives from his spouse an inheritance of property or life insurance proceeds which are traceable to items omitted from gross income by his spouse, that person will be considered to have benefitted from those items. Other factors which may also be taken into account, if the situation warrants, include the fact that the person seeking relief has been deserted by his spouse or the fact that he has been divorced or separated from such spouse.

(c) *Community property laws.* The determination of the spouse to whom items

of gross income (other than gross income from property) are attributable shall be made without regard to any applicable community property laws.

(d) *Omission of income.* Section 6013(e) of the Code shall apply only to income which is properly includible as gross income under chapter 1 of the Code, which was, in fact, omitted from a joint return. Section 6013(e) shall not apply to a tax deficiency resulting from erroneous or fraudulent deductions, claims, or other evasions or avoidances of tax.

(e) *Scope of section.* This section does not apply to any taxable year for which a claim for credit or refund is barred by operation of any law or rule of law.

PAR. 3. Section 301.6653 is amended by revising section 6653(b) and by revising the historical note to read as follows:

§ 301.6653 **Statutory provisions; failure to pay tax.**

Sec. 6653. *Failure to pay tax*—* * *

(b) *Fraud.* If any part of any underpayment (as defined in subsection (c)) of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 50 percent of the underpayment. In the case of income taxes and gift taxes, this amount shall be in lieu of any amount determined under subsection (a). In the case of a joint return under section 6013, this subsection shall not apply with respect to the tax of a spouse unless some part of the underpayment is due to the fraud of such spouse.

* * * * *

[Sec. 6653, as amended by sec. 2 of the Act of January 12, 1971 (Pub. Law 91-679, 84 Stat. 2063)]

* * * * *

PAR. 4. Section 301.6653-1 is amended by adding a new paragraph (d) following paragraph (c) to read as follows:

§ 301.6653-1 **Failure to pay tax.**

* * * * *

(d) *Joint returns.* No person filing a joint return shall be held liable for a fraud penalty except for his own personal fraudulent conduct. Thus, for the fraud penalty to apply to a taxpayer who files a joint return some part of the underpayment in such return must be due to the fraud of such taxpayer. A taxpayer shall not be subject to the fraud penalty solely by reason of the fraud of a spouse and his filing of a joint return with such spouse.

[FR Doc.74-2794 Filed 2-1-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1011]

[Docket No. AO 251-A16]

MILK IN THE APPALACHIAN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn-West, W. State Street and Euclid Avenue, Bristol, Virginia, beginning at 9:00 a.m. on February 8, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Appalachian marketing area.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 1.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Dairymen, Inc.:

Proposal No. 1. Section 1011.51(b) be amended to read as follows:

(b) *Class II milk price.* The Class II milk price for the month shall be the basic formula price minus 20 cents per hundredweight, but not less than a price computed as follows:

(1) Multiply by 4.2 the Chicago butter price for the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of spray process nonfat dry milk for human consumption, f.o.b. manufacturing plants in the Chicago area, as published by the Department for the period from the 26th day of the immediate month through the 25th day of the current month; and

(3) From the sum of the results arrived at under paragraph (b)(1) and (2) of this section, subtract 48 cents and round to the nearest cent.

(4) If the price computed pursuant to paragraph (b)(1), (2) and (3) of this section exceeds the basic formula price, then the basic formula price shall be the Class II price.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator Robert W. Sechrist, P.O. Box 3007, Bristol, Tennessee 37620, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on January 29, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-2789 Filed 2-1-74;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

Medically Determined Drug Addicts and Alcoholics

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that 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 set forth criteria for implementing section 1611(e)(3) of title XVI of the Social Security Act as amended by section 301 of the Social Security Amendments of 1972 (P.L. 92-603), which requires that a disabled individual who is medically determined to be a drug addict or alcoholic undergo appropriate, available treatment at an institution or facility approved by the Secretary in order to be an eligible individual or eligible spouse under the Supplemental Security Income for the Aged, Blind, and Disabled Program. The representative payee provisions for disabled individuals who are medically determined drug addicts or alcoholics are discussed in Subpart F, §§ 416.601-416.690.

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 final adoption of the proposed 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 6, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at 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 regulations are to be issued under the authority contained in sections 1102, 1611, 1614 and 1631 of the Social Security Act, as amended; 49 Stat. 647, as amended, 86 Stat. 1466, 86 Stat. 1471, 86 Stat. 1475; 42 U.S.C. 1302, 1382, 1382c, 1383.

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

Dated: January 25, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: January 29, 1974.

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

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended to add §§ 416.981 through 416.985 as follows:

Subpart I—Determination of Disability or Blindness

Sec.

Subpart I—Determination of Disability or Blindness

§ 416.981 Medically determined drug addicts and alcoholics.

For purposes of this Part 416 an individual will be medically determined to be a drug addict or alcoholic if he is under a disability (as defined in § 416.901(b)) and drug addiction or alcoholism is a contributing factor to such disability. An individual who is under a disability as defined in § 416.901(b) independent of his drug addiction or alcoholism will not be medically determined to be a drug addict or alcoholic for the purposes of Subpart Q of this part. This provision does not apply to any individual whose eligibilty for benefits under this Part 416 is based on age or blindness.

§ 416.982 Treatment required for medically determined drug addicts and alcoholics.

No disabled person shall be an eligible individual or eligible spouse for any month if such individual is medically determined to be a drug addict or alcoholic, in accordance with § 416.981, unless he is undergoing treatment that is appropriate for his condition as a drug addict or alcoholic at an approved institution or facility (see § 416.984), so long as such treatment is available, and demonstrates that he is complying with the terms, conditions, and requirements of such treatment.

§ 416.983 Appropriate treatment.

For purposes of this Part 416, appropriate treatment is a recognized medical or other professional procedure for the individual's condition as a drug addict or alcoholic and carried out at, or under the supervision of, an approved treatment facility (see § 416.984). This treatment may include medical examination and treatment, psychiatric, psychological and vocational counselling, or other appropriate services. It may be furnished through one or more facilities as part of an individualized treatment plan intended to insure that the individual is receiving treatment appropriate to his specific needs.

§ 416.984 Institutions or facilities approved by the Secretary.

(a) *Approved institutions or facilities.* An institution or facility that furnishes medically recognized treatment for drug addiction or alcoholism, in conformity with applicable Federal and State laws and regulations, may be approved by the Secretary for the purpose of these provisions.

(b) *Treatment facilities deemed to be approved by the Secretary.*—(1) *Conversion cases.* If an individual, medically determined to be a drug addict or alcoholic in accordance with § 416.981, is converted to the Federal program from a State program on the basis of the criteria outlined in § 416.901(b)(2) and as a condition of eligibility for aid under such State plan he was required to undergo treatment for drug addiction or alcoholism at an institution or facility accepted by the State for such purpose, such institution or facility will be deemed to be approved by the Secretary for such individuals.

(2) *Other cases.* Any institution or facility employed by a State vocational rehabilitation agency for treatment of drug addicts or alcoholics in connection with their rehabilitation programs under the Rehabilitation Act of 1973, or any institution or facility utilized by any other appropriate State agency will be deemed to be approved by the Secretary for treatment of medically determined drug addicts or alcoholics.

§ 416.985 Availability of treatment.

Whether treatment is available to a particular individual shall depend on the existence of an obtainable treatment vacancy in an approved institution or facility (see § 416.984) and the condition and circumstances of the individual, the treatment required, and the location of the treatment institution or facility, or the services or resources provided by the institution or facility. In determining the availability of treatment, consideration will also be given to the individual's general health, including his mobility and capacity to comprehend the essential specifications of appropriate treatment and the availability and cost of public and private transportation. The individual is not expected to pay for the treatment provided.

[FR Doc. 74-2846 Filed 2-1-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

[24 CFR Part 1272]

[Docket No. R. 74-248]

HOUSING ASSISTANCE PAYMENT PROGRAM—NEW CONSTRUCTION

Proposed Procedures and Provisions

Correction

In FR Doc. 74-1489, in the issue for Tuesday, January 22, 1974, appearing at page 2534, the following changes should be made:

(1) The paragraph now designated as (g)(1)(IV) of § 1272.3 should read (g)(1)(iv);

(2) The seventh line of that paragraph which presently reads "ments the fair market rents shall be" should read "ment. For the first four annual adjustments the fair market rents shall be"; and

(3) The paragraph presently designated as (g)(1)(V) of § 1272.3 should read (g)(1)(v).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGD 73-187 P]

ANCHORAGE GROUNDS

Puget Sound Area, Wash.

The Coast Guard is considering amending the anchorage regulations to establish two general anchorage areas in Commencement Bay, Tacoma, Washington. These anchorage areas are needed as there is a shortage of dock space and no anchorage area exists in the vicinity at this time. The establishment of these anchorages will also enhance the safety of vessels transiting the area.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, Washington 98104. Each person submitting comments should include his name and address, identify this notice (CGD 73-187 P), and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the Office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before March 5, 1974, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 110 of Title 33 of the Code of Federal Regulations be amended by adding a new § 110.230(a)(13) and a new § 110.230(a)(14) to read as follows:

§ 110.230 Puget Sound Area, Washington.

(a) * * *

(13) *Commencement Bay general anchorage (north).* A quadrilateral area bounded as follows: Beginning at latitude 47°17'37" N., longitude 122°26'00" W.; thence due south to latitude 47°17'19" N., longitude 122°26'00" W.; thence due east to a point bearing 286° T from Hylebos Waterway Light at a distance of 450 yards; thence due north to latitude

47°17'33" N., longitude 122°25'00" W.; thence west northwest to the point of beginning.

(14) *Commencement Bay general anchorage (south).* A quadrilateral area bounded as follows: Beginning at latitude 47°16'48" N., longitude 122°25'50" W.; thence due west to latitude 47°16'48" N., longitude 122°26'20" W.; thence due south to a point bearing 342° T from the City Waterway Light at a distance of 975 yards; thence northeast to a point bearing 345° T from Milwaukee Waterway Light at a distance of 425 yards; thence northwest to the point of beginning.

* * * * *

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; (33 U.S.C. 471), (49 U.S.C. 1655(g)(1)(A)); 49 CFR 1.46(c)(1), 33 CFR 1.05-1(c)(1))

Dated: January 29, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc. 74-2798 Filed 2-1-74;8:45 am]

[33 CFR Part 117]

[CGD 74-23P]

DRAWBRIDGE OPERATION REGULATIONS

West Palm Beach Canal, Fla.

The Coast Guard is considering revising the regulations for the West Palm Beach Canal drawbridge that carries U.S. 1 to permit closed periods. This change is being considered because of limited openings during the evening, nighttime and early morning hours.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1018, Federal Building, 51 S.W. 1st Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before March 5, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by adding a new § 117.441a immediately after § 117.441 to read as follows:

§ 117.441a West Palm Beach Canal, Florida; U.S. 1 bridge.

The draw shall open on signal from 9:00 a.m. to 5:00 p.m. From 5:00 p.m. to 9:00 a.m. the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2) 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4) 1(c)(4))

Dated: January 25, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-2802 Filed 2-1-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-71]

TEMPORARY TRANSITION AREAS

Withdrawal of Proposed Designation

On November 15, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 31541) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate temporary 700-foot transition areas at Turnersville, Cranfills Gap, Longhorn, Evant, and Mullin, Tex., for the period February 8, 1974, to March 15, 1974.

Subsequent to publication of the notice, the FAA was advised by the Department of the Army that the Army exercise which had required the establishment of the temporary transition areas had been cancelled.

In consideration of the foregoing, notice is hereby given that the proposal contained in Airspace Docket No. 73-SW-71 (38 FR 31541) is withdrawn.

This withdrawal of notice of proposed rulemaking is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958.

(49 U.S.C. 1348) and Sec. 6 (c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Forth Worth, Tex., on January 16, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-2809 Filed 2-1-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

REVISION TO THE NEW YORK STATE IMPLEMENTATION PLAN

Notice of Proposed Rulemaking

On September 22, 1972 (37 FR 19815), the Administrator disapproved the New York State control strategy for sulfur oxides because it did not provide for: (a) the attainment and maintenance of the national standards for sulfur oxides in the Hudson Valley Intrastate Region, (b) the attainment of the secondary standards for sulfur oxides in the Genesee-Fingerlakes and Southern Tier West Intrastate Regions, and (c) the maintenance of the secondary standards for sulfur oxides in the Central New York Intrastate Region.

This notice is issued to advise the public that comments may be submitted on whether the proposed revisions should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before the end of the 30-day comment period will be considered. The Administrator's decision to approve or disapprove the proposed plan revisions is based on whether they meet the requirements of section 110(a)(2)(A)-(H) and EPA regulations in 40 CFR Part 51.

The supplemental information to the New York State plan consists of (1) testimony presented at the EPA public hearings on proposed regulations to correct deficiencies in the New York State plan, (2) amended Part 226 of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations and (3) 1971-1972 air quality data for sulfur dioxide in the Hudson Valley Intrastate Region which were submitted on October 26, 1972, February 6 and March 7, 1973, respectively.

Revised Part 226 sets forth a maximum allowable sulfur limitation of 1.1 lb/10^6 Btu gross heat content for fuel oil and 1.8 lb/10^6 Btu gross heat content for coal. This is more stringent than the prior Part 226 which allowed the burning of 1.65 lb/10^6 Btu gross heat content for fuel oil and 2.0 lb/10^6 Btu gross heat content for coal. The 1971-1972 air quality data for the Hudson Valley Intrastate Region together with a revised emission inventory for the region, shows that the primary standard for sulfur oxides is now being attained in the region. Testimony presented by New York State at the EPA public hearings on the proposed regulations to correct the deficiencies in the New York State Implementation Plan indicated that the recorded ambient air quality levels for sulfur oxides in Kingston, New York were erroneous due to faulty instrumentation. The corrected annual average concentration was determined to be 0.029 ppm as compared with the originally reported value of 0.031 ppm. This indicates that the primary standard is being attained in the Ulster County portion of the Hudson Valley Region.

Air quality values will continue to decrease as the sulfur in fuel limitations of Part 226 become effective.

Copies of the proposed plan revisions are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, N.Y. 10007, and at the New York State Department of Environmental Conservation, Air Pollution Control Program, 50 Wolf Road, Albany, New York 12201. A copy is also available for public inspection at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Re-

gional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

(42 U.S.C. 1857c-5(a))

Dated: January 25, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-2742 Filed 2-1-74;8:45 am]

[40 CFR Part 120]

STATE OF OREGON

Navigable Water Quality Standards

The purpose of this notice is to propose regulations setting forth standards of water quality to be applicable to the navigable waters of the State of Oregon, pursuant to section 303(b) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313(b)) ("the Act"). A notice announcing the intention of the Environmental Protection Agency to review all interstate and intrastate water quality standards pursuant to the Act was published in the FEDERAL REGISTER on December 29, 1972 (37 FR 28775-28780).

Under section 303(a) of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for interstate and intrastate waters adopted and submitted by the States. When he determines that changes in such standards are required to meet the requirements of the Act as in effect prior to October 18, 1972 (the date of enactment of the 1972 Amendments to the Act, Pub. L. 92-500), he must notify the State. If the State does not adopt the required revisions, or if the revisions submitted by the State do not meet the requirements of the Act, the Administrator may publish proposed revised water quality standards in accordance with such requirements.

The State of Oregon, prior to October 18, 1972, adopted water quality standards for both interstate and intrastate waters. ("Standards of Quality for Public Waters of Oregon and Disposal Therein of Sewage and Industrial Wastes, Oregon Administrative Rules, Chapter 340, Division 4, Subdivision I, Amended July 15, 1973".) Subsequently, the Environmental Protection Agency reviewed both the interstate and intrastate standards pursuant to section 303(a) of the Act. On January 18, 1973, the Regional Administrator notified Oregon that certain revisions to its interstate Water Quality Standards were necessary to make the standards consistent with the applicable requirements of the Act. On March 13, 1973, a similar notification was made for intrastate Water Quality Standards.

Although Oregon has now completed official action to revise its Water Quality Standards and has transmitted these revisions to the Regional Administrator for his approval, the State failed to adopt a total dissolved gas criterion which is consistent with the applicable criteria adopted by the bordering States of Idaho and Washington. The total dissolved gas criteria proposed by the Regional Administrator and adopted by Idaho and Washington states that the total concentration of dissolved gas shall not exceed 110 percent of saturation at atmospheric pressure at the point of sample collection due to non-natural causes. Oregon's standard calls for a concentration of total dissolved gas relative to atmospheric pressure that shall not exceed 105 percent of saturation.

This revision thus adopted by the State was not completely consistent with the applicable requirements of section 303(a)(1) and (2) of the Act. Scientific evidence indicates that the proposed Oregon total dissolved gas criterion of 105 percent of saturation is unreasonably stringent and generally unachievable. Moreover, the Oregon criterion conflicts with criteria established by neighboring States for common waters. Accordingly, pursuant to section 303(b)(1), U.S. Environmental Protection Agency is now proposing regulations setting forth standards required to comply with the Act as in effect prior to October 18, 1972.

Section 303(a)(2) of the Act requires the Administrator to promulgate standards no later than 190 days after the date of publication of this notice unless by such time the State shall have adopted Water Quality Standards which the Administrator determines to be in accordance with the requirements of section 303(a) of the Act. However, the Administrator is not required to await State action for the entire 190 day period prior to promulgation. Thus, these standards may be promulgated by the Administrator at any time following the expiration time for public comment.

Interested persons may submit written data, views or arguments, in triplicate, in regard to the proposed regulations to the Regional Administrator, 1200 Sixth Avenue, Seattle, Washington 98101. All relevant material received not later than April 5, 1974 will be considered.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 120 be amended by adding a new § 120.16 to read as set forth below.

The proposed new section would be effective immediately upon republication.

(Sec. 303(b), Pub. L. 92-500, 86 Stat. 816 (33 U.S.C. 1313(b)).)

Issued on January 29, 1974.

JOHN QUARLES,
Acting Administrator.

§ 120.16 Oregon Water Quality Standards.

Water Quality Standards established by Oregon on July 15, 1973, and approved by the Environmental Protection Agency on August 30, 1973, contained in the document entitled "Standards of Quality for Public Waters of Oregon and Disposal Therein of Sewage and Industrial Wastes, Oregon Administrative Rules, Chapter 340, Division 4 Subdivision I, Amended July 15, 1973" hereinafter will be the Water Quality Standards for the State of Oregon except for the following:

Section II OAR 340-41-025 (12) is amended to read as follows:

The concentrations of total dissolved gas relative to atmospheric pressure at the point of sample collection shall not exceed one hundred ten percent of saturation, except when stream flows are less than the average minimum seven days low flow which occurs once in 10 years.

[FR Doc.74-2743 Filed 2-1-74;8:45 am]

[40 CFR Part 180]

4,6-DINITRO-o-CRESOL AND ITS SODIUM SALT

Proposed Tolerance

A. Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the Agricultural Experiment Stations of California, Idaho, Oregon, Utah, and Washington; the U.S. Department of Agriculture; and the Northwest Horticultural Council submitted a petition (PP 1E1067), proposing an exemption from the requirement of a tolerance for residues of 4,6-dinitro-o-cresol and its sodium salt as plant regulators in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

Subsequently, the petitioner amended the petition by proposing a tolerance of 0.02 part per million for residues of 4,6-dinitro-*o*-cresol and its sodium salt in or on apples from application to apple trees at the blossom stage as a fruit-thinning agent.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The plant regulator and its sodium salt are useful for the purpose for which the tolerance is being proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The proposed tolerance will protect the public health.

4. The proposed tolerance represents a negligible residue.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act. (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))), it is proposed that Part 180 be amended by adding a new section to Subpart C as follows:

§ 180.344 4,6-Dinitro-*o*-cresol and its sodium salt; tolerance for residues.

A tolerance of 0.02 part per million is established for negligible residues of the plant regulators 4,6-dinitro-*o*-cresol and its sodium salt in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

B. In the FEDERAL REGISTER of June 11, 1973, (38 FR 15365), an interim tolerance of 0.02 part per million was established for residues of 4,6-dinitro-*o*-cresol and its sodium salt as plant regulators in or on the raw agricultural commodity apples from application to apple trees at the blossom stage as a fruit-thinning agent.

The interim tolerance was established pending final review and evaluation of the data on the subject pesticide.

Since the review and evaluation on the subject pesticide petition have been completed and a permanent tolerance is being proposed by this notice on apples, the listing of the interim tolerances for the subject pesticide on this raw agricultural commodity is no longer necessary and therefore, it is proposed that § 180.319 *Interim tolerances* be amended by deleting the item: "4,6-Dinitro-*o*-cresol and its sodium salt * * *" from the list of items in the table.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request by March 6, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, by March 6, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: January 25, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-2744 Filed 2-1-74;8:45 am]

[40 CFR Part 180]

TETRAHYDROFURFURYL ALCOHOL

Proposed Exemption From Tolerance

The Quaker Oats Co., Merchandise Mart Plaza, Chicago, IL 60654, submitted a petition (PP #2E1198) proposing the establishment of an exemption from the requirement of a tolerance for residues of tetrahydrofurfuryl alcohol in or on raw agricultural commodities when used as an inert solvent or cosolvent in pesticide formulations applied to growing crops only.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide is useful for the purpose for which the exemption is proposed.

2. The proposed exemption will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), it is proposed that § 180.1001 be amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 180.1001 **Exemptions from the requirement of a tolerance.**

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * * * *		
Tetrahydrofurfuryl alcohol		Solvent, cosolvent.
* * * * *		

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, by March 6, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, by March 6, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: January 25, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-2741 Filed 2-1-74;8:45 am]

[40 CFR Parts 401, 402]

COOLING WATER INTAKE STRUCTURES

Minimizing Adverse Environmental Impact; Extension of Time for Comments

On December 13, 1973, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 316(b) of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251, 1326(b). (38 FR 34410.) The proposed regulation provides that the best technology available for minimizing the adverse environmental impact of cooling water intake structures is to be employed in their location, design, construction and capacity. The due date for comments provided in the notice was January 14, 1974.

EPA anticipated that the "Development Document for Proposed Best Technology Available for Minimizing Adverse Environmental Impact of Cooling Water Intake Structures", which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Production difficulties, however, have delayed the availability of the Development Document until shortly before publication of this notice. The Agency believes that members of the public should have an opportunity to review the Development Document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended, all comments received by May 6, 1974, will be considered.

A copy of the "Development Document" will be available for inspection at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M St., SW., Washington, D.C., at all EPA regional offices, and at State water pollution offices. Copies of the document are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). In this regard, all persons who have requested the Development Documents for "Steam Electric Power Plants", "Iron and Steel Manufacturing" or "Ferralloy Manufacturing" will also receive a copy of the "Cooling Water Intake Structures" Development Document. An additional limited number of copies of the report are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman.

Dated: January 24, 1974

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.74-2807 Filed 2-1-74;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 206]

[Reg. F]

SECURITIES OF MEMBER STATE BANKS DISCLOSURE OF STANDBY LETTERS OF CREDIT

Form and Content of Financial Statement

The Board proposes to amend the disclosure requirements of Regulation F, "Securities of Member State Bank" to require disclosure of the amounts of outstanding standby letters of credit on financial statements of banks that are subject to the regulation. Such disclosure would more adequately inform the public of a bank's potential liabilities.

A standby letter of credit is any letter of credit or similar arrangement, however named or described, other than a commercial letter of credit issued to facilitate the sale of goods, of the character under which sight drafts or bankers' acceptances of the kind eligible, or which would become eligible, for discount by a Federal Reserve Bank under Regulation A, could be drawn. Standby letters of credit were the subject of a proposed amendment to the Board's Regulation H (12 CFR 208) "Membership of State Banking Institutions of the Federal Reserve System," by Board action dated January 17, 1974.

This notice is published for comment pursuant to section 553(b) of Title 5, United States Code, and § 262.2(a) of the Rules of Procedure of the Board of Governors. The proposal would be adopted pursuant to the Board's authority under section 12(i) of the Securities Exchange Act of 1934 (12 U.S.C. 78).

Any comments should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1974. Such material will be available for inspection and copying on request, except as provided for in § 261.6(a) of the Board's Rules Regarding Availability of Information.

To implement its proposal, the Board is considering amending Regulation F (12 CFR Part 206) as follows:

§ 206.7 Form and Content of Financial Statements.

* * * * *

(c) *Provisions of general application.* * * *

(9) *General notes to balance sheets.* * * *

"(viii) *Standby letters of credit.* State the amount and briefly describe the general terms of outstanding "standby letters of credit". A "standby letter of credit" is any letter of credit or similar arrangement, however named or described, other than a commercial letter of credit issued to facilitate the sale of goods, of the character under which sight drafts or bankers' acceptances of the kind eligible, or which would become eligible, for discount by a Federal Reserve bank under Regulation A, could be drawn. It would include, but not be limited to, letters of credit attached to promissory notes, *i.e.*, so-called "documented discount notes.

* * * * *

By order of the Board of Governors, January 25, 1974.

[SEAL] CHESTER B. FELDBERG, *Secretary of the Board.*

[FR Doc.74-2759 Filed 2-1-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1057]

[Ex Parte No. MC-43 (Sub-No. 2)]

EQUIPMENT LEASED BY MOTOR CARRIERS OF PROPERTY

Adjustment of Compensation Because of Rising Fuel Costs

The purpose of this rulemaking proceeding, instituted here on our own motion, is to determine the necessity and desirability in the public interest of our prescribing more specifically the compensation paid by carriers subject to our jurisdiction for leased motor vehicle equipment so as to reflect the diminishing sources and supplies and increasing prices of petroleum fuels. Fuel consumed by carriers engaged in motor transportation of property has taken on added significance in terms of operating costs in recent months. It may thus be fair and equitable at this time to require that compensation paid for equipment leased by motor carriers of property subject to part II of the Interstate Commerce Act (49 U.S.C. section 301, *et seq.*) reflect an adjustment in favor of those equipment lessors upon whom falls the burden of rising costs of fuel. Requiring such an adjustment may also be necessary for compliance with the Congressional mandate in the National Transportation Policy (49 U.S.C. preceding section 1) which requires us to recognize and preserve the inherent advantages of each mode of transport; to foster sound economic conditions in transportation and among the several carriers; and to develop, coordinate, and preserve a national transportation system adequate to meet commercial and other vital needs of our Nation.

For-hire transportation service must be fully responsive to the ever-changing needs of the public. It is a basic fact of the national shortage of energy resources, insofar as this Commission currently is informed, that availability of fuels has been significantly curtailed in the face of increasing demand. Prices of fuel have therefore risen sharply and further increases are expected. This situation seems to have developed by reason of the following factors: (1) For several years the demand for petroleum products has exceeded domestic production; (2) prices of gasoline and diesel oil have risen since the Spring of 1973 and have increased sharply in recent months; (3) the embargo on the exportation of oil to the United States imposed by the Arab States in October 1973, is expected to contribute to further and perhaps more significant increases in the prices of petroleum products in the future; (4) the shortfall of oil imports during the first quarter of 1974 has been estimated by the Federal Energy Office at approximately 2.7 million barrels a day; and (5) the expectation that our country will not become self-sufficient in energy resources until approximately 1980.

FUEL COSTS AND THEIR IMPACT ON SERVICE

The economic health of our Nation, as well as high levels of employment and personal income and the strength of our defense system, depend directly upon industrial operations conducted throughout the country. Industry, of course, cannot function without adequate transportation; and that, in turn cannot be provided beyond the capacity of available transport services, equipment, and facilities. Equipment leasing pre-dates Federal regulation of motor carriage. Today, as always, the ability to augment equipment serves as an important, if not indispensable, tool in the provision by motor carriers, in accordance with the duties imposed upon them by section 216 (b) of the Act, of safe, adequate, and responsive transportation service.

The importance of motor carriage in the national transportation network and the consequent consumption of significant quantities of fuel are manifest. For example, according to a study made by the Oak Ridge National Laboratory, *Energy Intensiveness of Passenger and Freight Transport Modes; 1950-1970*, total annual energy consumption for transportation rose by 89 percent in 20 years until it averaged one-fourth of the total national energy budget in 1970. The same study also reveals that trucks represent the second largest consumers of tranportation energy. It appear that a significant portion of truck transportation is provided by owner-operators, and that rising prices of fuel contribute heavily to the expense burden which that limited segment of the industry must bear. Variable costs, including fuel costs, are normally high in truck transportation. Increases in fuel prices must be either matched with rate increases or passed on in some other fashion if dependable and reasonably profitable motor carrier operations are to be conducted. Unless this is done a major source of available transport capacity could be in jeopardy in the near future, and the viability of the motor carrier sector—indeed, the Nation's transportation system as a whole—may thereby be adversely affected.

As will be explained in greater detail later in this notice, the current Commission leasing regulations now require only that the compensation to be paid for the use of equipment not owned by a carrier must be specified in all leases. At this point, however, some background information on the matter of compensation for leased equipment, insofar as it pertains to earlier efforts to monitor it in the public interest, might be helpful in clarifying the purposes of this rulemaking proceeding.

BACKGROUND OF LEASING REGULATIONS

The provision of transportation service by motor vehicle is expensive. Costs of operating equipment and the expense of labor have not escaped the steady upward spiral during the past four decades. These costs and expenses have prompted many motor carriers to augment their operating equipment by leasing vehicles owned by others. Often the equipment is leased with a driver. The practice of leasing equipment, however, particularly with respect to equipment leased for a single trip, was found to give rise to many abuses. The harmful consequences of such practices became even more apparent when motor carrier rates were thrown into disorder and safety regulations were honored more often in their breach. In an effort to control the abuses of equipment leasing, particularly trip-leasing, this Commission in Ex-Parte No. MC 43, *Lease and Interchange of Vehicles by Motor Carriers*, 52 M.C.C. 675 (1951), adopted regulations requiring (1) that leases be of at least 30-days' duration, and (2) that compensation be on a basis other than a division of the revenues derived from the transportation provided with leased equipment.

The essential rationale underlying this Commission's aversion to compensation for leased equipment being based upon a percentage of revenue is set forth in *Lease and Interchange of Vehicles by Motor Carriers, supra*, at page 726. There it was said that:

This method of compensation leads the carriers which utilize owner-operated equipment to concentrate upon certain profitable traffic to the exclusion of other traffic. It certainly distorts the operating statistics of carriers which depend to a large extent upon equipment leased on that basis. We are persuaded also that it plays a large part in the practice of carriers which have extensive operating rights, but are unable or unwilling to provide service thereunder, of leasing such rights to others under the guise of equipment leases.

That rationale, we believe, is basically sound today. Indeed in *Lease and Interchange of Vehicles by Motor Carriers*, 64 M.C.C. 361 (1955), the undesirable potentialities of the division-of-revenue method of compensating an owner for the use of his equipment were described as both "a powerful competitive weapon" and "susceptible of being used as a device to cloak an unlawful lease of operating authority."

Agricultural interests and certain motor carriers generally opposed the regulations promulgated by the Commission and challenged those rules in the Courts. Ultimately, in *American Trucking Associations, Inc.* v. *United States*, 344 U.S. 298 (1953), the Supreme Court, ruling solely on the question of this Commission's authority to prescribe regulations governing equipment leasing, held that despite the fact that the power so to regulate was not explicitly set forth in the statute, such authority nevertheless was within the broad powers conferred upon this Commission by the general provisions of the Interstate Commerce Act. The Court's opinion basically agreed with the Commission's stated view that the entire regulatory scheme could be jeopardized if equipment-leasing practices could not be brought within its control.

The Congress subsequently enacted legislation, now section 204 of the Act (49 U.S.C. 304), setting forth specifically the powers of this Commission with respect to equipment leasing. That section effectively precludes this Commission from prohibiting trip-leasing or regulating the compensation paid for leased equipment utilized essentially in the transportation of livestock, fish, agricultural commodities and perishable products manufactured from perishable property. In all other respects, however, this Commission's authority to prescribe the compensation to be paid for leased equipment and to regulate the duration of such leases remains intact.

When Congress amended section 204 of the Act (Pub. L. No. 957, approved August 3, 1956) so as to clarify this Commission's authority to regulate the compensation paid for leased equipment, the pertinent regulations were, by order entered November 23, 1956, modified to their present form. The thrust of the discussion in the report (68 M.C.C. 553) accompanying that order was that this Commission sought to achieve a workable compromise for getting at the major problem—trip-leasing—and the modification of the compensation provisions there made was thought to serve that end.

CURRENT REGULATIONS

Section 204(e)(1) of the Interstate Commerce Act empowers this Commission, except as precluded by the provisions of section 204(f), to prescribe regulations requiring (1) that leases, contracts, or other arrangements for the use by motor carriers of equipment not owned by them shall be in writing and signed by the parties thereto, shall specify the period of time during which it is to be in effect, and shall specify the compensation to be paid by the motor carrier, and (2) that a copy of the lease be carried in the motor vehicle during the entire period of the lease. Subparagraph (2) of section 204(e) authorizes this Commission to prescribe such other regulations as may be reasonably necessary in order to assure that motor carriers leasing equipment shall have full direction and control, and be fully responsible for the operation, of such vehicles while they are being so used.

In the exercise of the powers conferred by the statute this Commission has promulgated comprehensive regulations now codified at 49 CFR Part 1057. Leases are now required: (1) to be in writing and signed by the parties, (2) to state the period of the lease which, with certain exceptions, shall not be less than 30 days duration; (3) to provide for the exclusive possession, control, and use by the carrier of the equipment involved; (4) to specify a definite or determinable compensation; (5) to specify the time, date, or circumstances on which the lease begins and ends; and (6) to be executed in triplicate with copies thereof to be retained by the lessor and lessee and a copy to be carried in the equipment. The regulations also require that a receipt be given to the owner of the equipment when possession is taken and that a receipt be given to the carrier when the equipment is returned to the owner; that the equipment be identified and inspected when possession is so transferred; that when equipment is leased with a driver, the driver must be qualified under and in compliance with the applicable Federal safety regulations; and, when equipment is used for less than 30 days, that a manifest be maintained for each trip.

THE PROPOSED RULE

The facts, as we know them, of the energy situation (estimates as to the extent of the Nation's petroleum shortage range from 17.5 percent to 35 percent shortfall), when set against the history and current state of our regulations governing equipment leasing, bring us now to the point of proposing an administrative response to what seems to us may be an ongoing problem for some time to come. Requiring compensation paid for leased equipment appropriately to be adjusted on the basis of the increased costs of fuel borne by the lessor of equipment seems reasonable if the lessee is not thereby adverely affected. When the equipment lessor's compensation for leased equipment remains static, and the expenses incurred by the lessor in the operation of such equipment rise sharply the continued availability of the transportation capacity involved is threatened.

The provisions of § 1057.4 of part 1057 of Title 49 of the Code of Federal Regulations provide, in part, as follows:

(a) *Contract requirements.* The contract, lease, or other arrangement for the use of such equipment:

* * * * *

(5) *Compensation to be specified.* Shall specify the compensation to be paid by the lessee for the rental of the leased equipment.

To meet the situation described earlier in this Notice and Order we propose here to amend paragraph (a)(5) by adding, at the end thereof, the following two new sentences:

Compensation paid by the lessee shall, on and after _____, 1974 (the effective date of the proposed regulation), and notwithstanding any other arrangement therefor, be increased by an amount equal to the increased costs of fuel purchased at lawful prices and borne by the lessor, provided the lessor is responsible for supplying the fuel consumed in operations conducted under the lease. The amount of such increase shall be: (i) added to the compensation paid the lessor for the leased equipment; and (ii) computed by subtracting from the lawful prices actually paid or to be paid by the lessor for fuel consumed in the operations for which the equipment is leased, the lawful price or prices of the same type of fuel under the same pricing practice in effect on May 15, 1973.

JUSTIFICATION FOR THE PROPOSED RULE

Motor carriers have engaged in equipment leasing for many years, and purchased transportation often provides a means whereby an economical and efficient form of service can be made available to the public. Thus, not only would a significant impairment of equipment leasing appear to be inimical to our National efforts to conserve energy, it would also tend to reduce the ability of the motor sector to provide adequate service to the public. We believe, then, that factors arising from the energy shortage which tend to interfere with the ability of regulated carriers to purchase transportation should be examined and, if necessary, be controlled in the public interest.

An appropriate control would be achieved by a rule requiring that compensation paid for leased equipment be increased by an amount sufficient to offset increases in fuel prices lawfully incurred and borne by the lessor. The regulated carriers have already been given special permission to apply for rate surcharges on short notice (discussed below); and in light of that, promulgation here of such a rule would appear to work to the benefit of lessors of equipment without adversely affecting the lessees. More importantly, such a rule would, in many respects, directly preserve the inherent advantages of motor transportation and stabilize its relationship to the other modes under our jurisdiction.

In addition to the fact that regulated motor carriage depends heavily upon purchased transportation, it must also be remembered that the Nation's industry and security depend upon having a

viable transportation system. Purchased transportation is and always has been a significant factor in determining the level of motor carriers' service capabilities. The current fuel situation may well threaten the carriers' responsiveness and prospect for the future. For that reason alone, the proposed rule or one of similar purport would be warranted.

It has been reliably reported that owner-operators are experiencing significantly reduced earnings brought about by reductions in highway speed limits, sporadic and limited fuel supplies, higher fuel costs, and curtailments in the hours operated by service stations. The regulated carriers, however, continue to have the duty to provide transportation and, for that purpose, the right to augment their equipment. It is in that light that the inequities inherent in inadequate compensation to owner-operators, insofar as they are required to bear the increased costs of fuel on their own, run counter to the public interest.

In mid-December 1973, as a result of the onset of the energy shortage, this Commission's Bureau of Operations and Bureau of Economics developed estimates (based on 1972 data) with respect to transportation of property by motor vehicle. Their data reveal the following:

Class I Carriers:
- No. of vehicles, 195,000.
- Total annual miles, 13,663,000,000.
- Total annual ton miles, 175,100,000,000.
- Annual fuel consumption rate, 212,120 barrels per day.

Class II Carriers:
- No. of vehicles, 36,000.
- Total annual miles, 1,651,000,000.
- Total annual ton miles, 20,150,000,000.
- Annual fuel consumption rate, 25,632 barrels per day.

Data more recently compiled by this Commission's Bureau of Accounts tend to reflect the magnitude of fuel consumption and purchased transportation in regulated motor carriage. In 1971, for example, reports of 610 class I motor carriers of general commodities, show that those carriers consumed fuel valued at $187,900,406, and purchased transportation valued at $701,896,008. For calendar year 1972, 646 carriers reporting, show equivalent figures to be $206,942,148 and $804,570,642. This, we believe, illustrates the magnitude of purchased transportation and the need for the energy-saving and service efficiencies it offers.

Prompt Rate Increases Allowed. As a result of increased costs of carrier operations due to rapidly rising fuel prices, this Commission acted on December 13, 1973, to provide a means by which those additional costs could be recovered in the form of rate surcharges. In Special Permission Docket No. 74-1825, an order was issued allowing a carrier's fuel cost increases to be quickly passed through to the transportation users. Normally, carriers must publish tariffs of rate changes 30 to 45 days before the changes become effective. Under the special permission order, rate changes in the form of surcharges reflecting fuel cost increases may now be published to become effective in 10 days. We issued an amended order on January 10, 1974, clarifying our intention that the person actually responsible by contractual arrangement or otherwise for the payment of fuel costs is to receive the full increase in revenue derived from the surcharges.

It was our expressed hope that the special permission would encourage carriers affected by changing fuel prices to take advantage of the new procedure. Some have done so. With respect to purchased transportation, however, a different picture is presented. The inclination of regulated carriers relying heavily upon purchased transportation to file for increased rates appears to be significantly impaired. One or more of the following factors may account for this: (1) an unwillingness on the part of regulated carriers to bear the expense of additional tariff filings when they will not directly benefit from the increases; (2) a reluctance on their part to file for rate increases because of various competitive factors; (3) an improper intention on the part of some carriers to take unfair advantage of owner-operators in the present fuel situation; and (4) a desire among users of purchased transportation to gain an unfair economic advantage over carriers which operate their own equipment and, thus, are forced to raise their rates to reflect the higher fuel costs they bear directly.

Increased fuel costs in the future. On September 28, 1973, the Cost of Living Council announced that retailers of gasoline, diesel fuel, and home heating oil would immediately be allowed to make upward adjustments in the ceiling prices for those products. The statistics set forth earlier herein reveal that motor carriers use substantial amounts of gasoline and diesel fuel. In announcing the price ceiling adjustments the Council's director made the following public statement:

> This action carries out the Council's previously announced policy of making periodic reviews and appropriate adjustments in ceiling prices that may be charged by petroleum retailers for those products. The policy of periodic revision of ceiling prices is designed to allow a pass-through of increased product costs due to higher world prices for crude petroleum and petroleum products. * * *
>
> The use of the May 15 (1973) selling price as the base to which increased product costs may be added should permit the Nation's independent gasoline station operators, the small businessman of the petroleum industry, larger markups than allowed under the earlier formula. This larger markup should provide a "cushion" against the impact of future product cost increases that may be incurred between October 1 (1973), and the Council's next periodic review of petroleum ceiling prices. * * *

Two similarities between the Nation's independent service station operators and independent owner-operators of trucks ought to be noted. Both are the small businessmen of their respective industries and both are affected by increases in the prices of petroleum products, the commodity with which they are involved daily in transactions which now are influenced by the Cost of Living Council's response. The concept of a pass-through of a fuel price increase occurring since May 15, 1973, seems to us to be as appropriate in the case of one as the other. That, in essence, is what the rule here proposed is designed to accomplish. Thus, we offer it at this time in an effort to forestall needless injury to or the possible collapse of an important transportation resource. Regulated carriers, as a result of our entry of the special permission order described earlier, presently have at their disposal means whereby they can recover any increased fuel costs that may be passed through to them by owner-operators should the proposed rule be adopted.

Based upon the foregoing analysis, we believe that it is both necessary and desirable at this time to consider the need, desirability, and practicability in the public interest of adopting the rule proposed above. Thus, it is for the purpose of determining whether the proposed rule set forth herein should be adopted that this proceeding is instituted. Whether the public interest requires any modifications to be made in the proposed rule or whether this Commission should take such other and further action as the facts developed in this proceeding may justify or require also will be considered.

Oral hearing does not appear to be necessary at this time and none is contemplated. Any person wishing to present views and evidence, either in support of, or in opposition to, the action proposed in this notice and order may do so by the submission of written data, views, or arguments. In light of the situation nationally with respect to fuel supplies and increasing costs, the time allowed for the submission of comments and argument will be shortened as much as is reasonable.

It is ordered, That based on the foregoing, a proceeding be, and it is hereby, instituted under part II of the Interstate Commerce Act (49 U.S.C. sec. 301, et seq.), including section 204 thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of determining whether the current energy shortage, the present and future public convenience and necessity, and the public interest require the adoption of the modification to the regulations contained in § 1057.4(a)(5) of part 1057 of Title 49 of the Code of the Federal Regulations proposed in this notice of proposed rulemaking and order and for the purpose of taking such other and further action as the facts and circumstances may justify or require.

It is further ordered, That all motor common and contract carriers of property subject to part II of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That the Bureau of Enforcement of this Commission be, and it is hereby, authorized and directed to participate in this proceeding.

It is further ordered, That no hearings be scheduled for the receiving of oral testimony unless a need therefor should later appear, but any person interested in making representations in favor of, or against, the proposed modification in the leasing regulations promulgated by this Commission is hereby invited to do so by the prompt submission of written data, views, or arguments. An original (and, if possible, 15 copies) of such data, views, or arguments shall be filed with this Commission on or before February 20, 1974; and that all such statements will be considered as evidence and as a part of the record in this proceeding.

It is further ordered, That while this proceeding does not appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating herein shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation-National Environmental Policy Act, 1969, 340 I.C.C. 431 (1972).

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

NOTE: Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution Ave., Washington, D.C., during regular business hours.

[FR Doc.74-2860 Filed 2-1-74;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.

DEPARTMENT OF STATE

[Public Notice 411; Delegation of Authority No. 129]

ASSISTANT SECRETARY FOR INTERNATIONAL ORGANIZATION AFFAIRS

Delegation of Authority To Perform Functions Relating to Details and Transfers of Federal Employees to International Organizations

By virtue of the authority vested in me by section 4 of the Act of May 26, 1949 (63 Stat. 111; 22 U.S.C. 2658), as amended. I hereby delegate to the Assistant Secretary of State for International Organization Affairs the authority to perform the functions delegated to the Secretary of State by section 3 of Executive Order 11552 of August 24, 1970, entitled "Providing for Details and Transfers of Federal Employees to International Organizations."

Dated: January 18, 1974.

[SEAL] KENNETH RUSH,
Acting Secretary of State.

[FR Doc.74-2813 Filed 2-1-74; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Public Law 92-463 (1972)], notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings on February 19 and 20, 1974, at the Program Evaluation Center (Room 4D710), the Pentagon, Washington, D.C. The meetings will commence at 9:15 a.m. daily and are scheduled to terminate at 5:00 p.m. The agenda consists of matters classified in the interests of national security, including Navy strategic policy and plans; future Navy force levels and force level planning; recent developments in the Soviet Navy; impact of the energy crisis on Navy operations, and knowledge acquired from the October-November, 1973, Mideast war.

K. A. KONOPISOS,
Captain, JAGC, U.S. Navy,
Acting Judge Adjutant General.

JANUARY 28, 1974.

[FR Doc.74-2760 Filed 2-1-74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE ADVISORY COMMITTEE

Notice of Establishment

The Law Enforcement Assistance Administration (LEAA) hereby determines that the establishment of the National Institute of Law Enforcement and Criminal Justice (NILECJ) Advisory Committee, as described hereafter, is in the public interest and necessary, appropriate and consistent with the purposes of the Crime Control Act of 1973, PL 93-83. Accordingly, the Administration hereby establishes the NILECJ Advisory Committee in accordance with the provisions of the Federal Advisory Committee Standards Act, PL 92-463, and LEAA Notice N-1300.2.

1. *Designation.* NILECJ Advisory Committee.

2. *Purpose.* To assist the NILECJ in the development of long and short range programs, priorities and policies relating to the improvement of law enforcement and criminal justice which are responsive to current and anticipated needs and concerns in the field.

3. *Establishment date and termination date.* The Committee is established effective 30 days after publication of this notice in the Federal Register and will terminate within two years from said date.

4. *Meetings.* Three meetings per year (scheduled tentatively for January, May and September), or more frequently if necessary.

5. *Membership.* The membership shall include LEAA employees, officers and employees of criminal justice agencies, representatives of the research and academic community knowledgeable in matters relating to the improvement of law enforcement and criminal justice, social scientists, and others involved in the administration of all aspects of criminal justice.

6. The Committee will operate pursuant to the provisions of the Federal Advisory Committee Standards Act, PL 92-463, OMB Circular No. A-63, LEAA Notice N-1300.2, and any additional orders and directives issued in implementation of the Act.

DONALD E. SANTARELLI,
Administrator.

JANUARY 29, 1974.

[FR Doc.74-2818 Filed 2-1-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Pub. L. 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 11:00 a.m., local time, on February 12, 1974.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits and container and pack requirements for export shipments.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: January 30, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-2852 Filed 2-1-74;8:45 am]

Animal and Plant Health Inspection Service

CERTAIN LIVESTOCK MARKETS

Notice of Approval and of Withdrawal of Approval

The regulations in 9 CFR Part 76 as amended contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the

list certain other livestock markets which have been found no longer to qualify for such approval.

Pursuant to § 76.18 of the regulations (9 CFR 76.18), issued under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, the Act of September 6, 1961, and the Act of July 2, 1962 (secs. 4–7, 23 Stat. 32, as amended; secs. 1–2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264–1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following livestock markets are approved under said regulations as indicated below:

LIVESTOCK MARKETS APPROVED UNDER 9 CFR 76.18 TO HANDLE ANY CLASS OF SWINE

ARKANSAS

Montgomery Livestock Auction, Searcey.
Nettleton Livestock Auction, Little Rock.
Paragould Stockyards, Paragould.

ILLINOIS

Bloomington Livestock Commission Company, Bloomington.
Interstate Producers Livestock Association, Shelbyville.

INDIANA

Huntington Livestock Company, Ft. Scott.
Mid-States Feeder Pig Company, Inc., Flora.
Owen-Monroe Feeder Association, Spencer.
Reynolds Sale Barn, Reynolds.

IOWA

Carroll Huffman Livestock Markets, Eldon.
The Harlan Auction, Harlan.
Monticello Sales Barn, Monticello.
Northwest Iowa Sales Commission, Waukon.
Sioux City Stockyards, Sioux City.

KANSAS

Dodge City Commission Company, Dodge City.
Effingham Auction Company, Effingham.
Moline Auction Company, Moline.
Winfield Auction Company, Winfield.

MINNESOTA

Equity Livestock Auction Market, Zumbrota.
Farmers Livestock Auction Market, St. Paul.
Lamberton Stockyards—Brown City, Springfield.
St. Paul Union Stockyards, St. Paul.

MISSOURI

Chillicothe Livestock Auction, Chillicothe.
Lindsay Livestock Auction, Inc., Lebanon.
Southwest Missouri Livestock Association, Inc., Sarcoxi.
West Plains Livestock Auction, West Plains.

NORTH DAKOTA

Home Base Auction, Bowman.
Sprecker's Premium Pork Inc., Mott.

OHIO

Producers Livestock Association, Lancaster.
Producers Livestock Association, Mt. Vernon.
Producers Livestock Association, Bucyrus.
Producers Livestock Association, Marysville.

OREGON

Ontario.
The Portland Livestock Market, Inc., Portland.
Vale Livestock Auction Company, Vale.

TENNESSEE

T. D. Garrett and Sons, College Grove.

The following livestock markets are *deleted* from the list specifically approved to handle interstate shipments of all classes of swine.

GEORGIA

Metter Livestock Market, Metter.
Milan Livestock Market, Milan.
Parker's Stockyard, Statesboro.
Upper Hiawassee Livestock Sales Association, Inc., Blue Ridge.

INDIANA

Smysers Sale Barn, Huntington.

IOWA

Council Bluffs Livestock Exchange Inc., Council Bluffs.
Diagonal Sale Barn, Diagonal.
Donnellson Livestock Sales, Inc., Donnellson.
James Webb Market, Mallard.
Mid-States Livestock Inc., Eldora.
Spencer Livestock Sales Inc., Spencer.
Winneshiek Coop Sales Commission, Decorah.

KENTUCKY

Bickett & Miller Company, Inc., Russellville.
Case & Lail, Inc., Cythiana.
Cythiana Stockyards, Cythiana.
Kentucky-Tennessee Livestock Market, Guthrie.
Washington County Stockyard, Springfield.
Tom Harper Feeder Pig Market, Clinton.
Valley Stockyard, Inc., Princeton.

NEBRASKA

Armour Feeder Pig Station, West Point.

OKLAHOMA

Green County Feeder Pig Market, Jay.

PENNSYLVANIA

T. Kenneth Emery, Glenmore.

TENNESSEE

Castellew Stock Barn, Dayton.

WEST VIRGINIA

Jackson County Market, Ripley.

LIVESTOCK MARKETS APPROVED UNDER 9 CFR 76.18 TO HANDLE SLAUGHTER SWINE ONLY

GEORGIA

Metter Livestock Market, Metter.
Parker's Stockyard, Statesboro.

ILLINOIS

Deckers Livestock, Charleston.
Huber Livestock Company, Greenville.

INDIANA

Hoosier Stockyards, Inc., Lebanon.
Wabash Valley Order Buyers, Inc., Pierceton.

IOWA

Applegate Hog Yards, Leon.
Heinold Hog Market, Seymour.
Thompson Livestock Commission Company, Inc., Davis City.

KANSAS

Stafford Brothers Hog Market, Ft. Scott.

KENTUCKY

Green County Stockyards, Greenfield.

MINNESOTA

Armour & Company, Browns Valley.
Armour & Company, Dawson.
Armour & Company, Winona.
Armour & Company Hog Buying, Harmony.
Armour Hog Buying Station, Ortonville.
Armour Pork Company, Ivanhoe.
Farmers Livestock Company, Elmore.
Gries Livestock Market, Kiester.
Hokah Stockyards, Hokah.
Ivanhoe NFO Collection Point, Ivanhoe.
Lee Livestock Market, Harmony.
Morrill Hog Buying Station, Madison.
Wilson & Company, Inc., Bricelyn.

MISSISSIPPI

Triangle Stockyards, Inc., Columbus.

MISSOURI

Heinold Hog Market, Inc., Bloomfield.
NFO Collection Point, Armstrong.
NFO Collection Point, Chillicothe.

NEBRASKA

National Farmer's Organization, Guide Rock.
Union Stockyards Company, Omaha.

OHIO

A. E. Miller Stockyard, Middlepoint.
Selected Meat Company, Greenfield.

WISCONSIN

Condon Stockyards, Brodhead.
Condon Stockyards, Juda.

The following livestock markets are *deleted* from the list specifically approved to handle interstate shipments of slaughter swine only.

GEORGIA

Hazelhurst Livestock Market, Hazelhurst.
Pearson Livestock Market, Pearson.

IOWA

Burton's Relay, Clio.
McCreary Hog Market, Centerville.
Miskimins Hog Yard, Seymour.
Verle Perkins Hog Market, Centerville.

KANSAS

Ft. Scott Livestock Auction, Inc., Ft. Scott.

KENTUCKY

Nichols Stockyards, Milburn.

NORTH DAKOTA

Dakota Pork, Inc., Jamestown.

OHIO

L. B. Stemon Stockyard, Middlepoint.

TENNESSEE

Newport Livestock Auction, Newport.
Rhea County Livestock Auctions, Inc., Dayton.

WISCONSIN

M. J. Condon & Son Stockyard, Brodhead.
M. J. Condon & Son Stockyard, Juda.

Effective date. The foregoing notice shall become effective on February 4, 1974.

This action imposes certain restrictions necessary to prevent the interstate spread of swine diseases and relieves certain restrictions heretobefore imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved hereby. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this action effective less

than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of January 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-2851 Filed 2-1-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Computer Related Test Equipment Subgroup of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee will be held February 14, 1974, at 10:00 a.m. in Conference Room A, Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C. In the event the agenda is not completed on that date, the committee will reconvene February 15 at the same time and place.

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

Agenda items are as follows:

1. Presentation of papers or comments by the public.
2. Discussion of foreign availability of computer related test equipment.
3. Discussion of end use patterns for above equipment.
4. Discussion of equipment exports.
5. Discussion of technology exports.
6. Discussion of work programs.
7. Executive Session:
a. Discussion of foreign availability of computer related test equipment.
b. Discussion of end use patterns for above equipment.
c. Discussion of equipment exports.
d. Discussion of technology exports.
e. Discussion of work programs.
8. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-6, and a limited number of seats—approximately 5—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the subgroup. Interested persons are also invited to file written statements with the subgroup.

With respect to agenda item 7, "Executive Session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to Section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provisions of Sections 10 (a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b) (1).

Further information may be obtained from Dr. John C. Hubbs, Chairman of the subgroup, E-H Research Laboratories, Inc., 515 11th St., Oakland, California (A/C 415+834-3030).

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

Dated: January 29, 1974.

LEWIS W. BOWDEN,
Acting Deputy Assistant Secretary for East-West Trade.

[FR Doc.74-2804 Filed 2-1-74;8:45 am]

NUMERICALLY CONTROLLED MACHINE TOOL TECHNICAL ADVISORY COMMITTEE

Meeting and Agenda

The Numerically Controlled Machine Tool Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, February 12, 1974, at 10 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

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

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of work program:
a. Objectives
b. Work content
c. Completion date
4. Executive Session:
a. Report and recommendations by subgroup on end use patterns, including military and military support uses of numerically controlled machine tools presently under security control.
b. Report and recommendations by subgroup on foreign availability, including production in USSR, Eastern Europe and the People's Republic of China.
c. Report and recommendations by subgroup on clarification of existing security control definition of numerically controlled machine tools.
d. Discussion of recommendations of subgroups and drafting of preliminary report by the committee to the Department of Commerce.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to Section 10(d) of P.L. 92-463, that this agenda item should be exempt from the provision of Sections 10(a) (1) and (a) (3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b) (1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Administration, Room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202 + 967-4293).

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

Dated: January 29, 1974.

LEWIS W. BOWDEN,
Deputy Assistant Secretary for East-West Trade.

[FR Doc.74-2805 Filed 2-1-74;8:45 am]

Maritime Administration

[Docket No. S-403]

AQUARIUS MARINE CO.

Notice of Application

Notice is hereby given that Aquarius Marine Company has filed an application dated January 17, 1974, for operating-differential subsidy on one new tanker (under construction) of approximately 87,000 deadweight tons, which they propose to operate under a long-term bareboat charter from Aeron Marine Shipping Company. Said vessel will operate in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States is inadequate, must, on or before, February 12, 1974, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201).

Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605 (c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: January 30, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, JR.,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

[FR Doc.74-2855 Filed 2-1-74;8:45 am]

CONSTRUCTION OF TWO 380,000 DWT TANKERS

Application for Construction-Differential Subsidy; Notice of Filing

Notice is hereby given that Atlantic Richfield Company has filed, pursuant to title V of the Merchant Marine Act, 1936, as amended, an application filed January 29, 1974, for a construction-differential subsidy to aid in the construction of two new oil tankers of approximately 380,000 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect this application in the Office of the Secretary, Room 3099B, Maritime Administration, Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: January 30, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-2854 Filed 2-1-74;8:45 am]

[Docket No. S-402]

CHAS. KURZ & CO., INC., AND KEYSTONE TANKSHIP CORP.

Notice of Multiple Applications

Notice is hereby given that Chas. Kurz & Co., Inc., and Keystone Tankship Corporation have filed Operating-Differential Subsidy applications dated December 1, 1973, with respect to the modification of their Operating-Differential Subsidy Contract Nos. MA/MSB-188 and MA/MSB-190 respectively, to carry bulk cargoes, which are to expire on June 30, 1974 (unless further extended). The additional bulk cargo carrying vessels proposed to be subsidized, and the trade in which they propose to engage are presented below:

Applicant's name and address	Type of ships	Name of ships
Chas. Kurz & Co., Inc., 313 Chestnut St., Philadelphia, Pa. 19106.	Tanker	SS *Baldbutte.*
Keystone Tankship Corp., 313 Chestnut St., Philadelphia, Pa. 19106.	Tanker	SS *Golden Gate.*

The applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular working hours.

The vessels are to engage in the carriage of export bulk raw and processed agricultural commodities in the foreign commerce of the United States (U.S.), from ports in the U.S. to ports in the Union of Soviet Socialist Republics (U.S.S.R.), or other permissible ports of discharge. Liquid and dry bulk cargoes may be carried from U.S.S.R. and other foreign ports inbound to U.S. ports during voyages subsidized for carriage of export bulk raw and processed agricultural commodities to the U.S.S.R.

Full details concerning the U.S.-U.S.S.R. export bulk raw and processed agricultural commodities subsidy program, including terms, conditions and restrictions upon both the subsidized operators and vessels, appear in the regulations published in the FEDERAL REGISTER on August 3, 1973 (38 FR 20807).

For purposes of section 605(c), Merchant Marine Act, 1936, as amended (Act), it should be assumed that the above listed ships will engage in the trades described on a full-time basis through June 30, 1974 (unless further extended).

Each voyage must be approved for subsidy before commencement of the voyage. The Maritime Subsidy Board (Board) will act on each request for a subsidized voyage as an administrative matter under the terms of the operating-differential subsidy contract for which there is no requirement for further notices under section 605(c) of the Act.

Any person having an interest in the granting of one or both of such applications and who would contest a finding of the Board that the service now provided by vessels of U.S. registry for the carriage of cargoes as previously specified is inadequate, must, on or before February 12, 1974, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Act and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event a hearing under section 605(c) of the Act is ordered to be held with respect to either or both of the applications, the purpose of such hearing will be to receive evidence relevant to (1) whether the application(s) hereinabove described is one with respect to vessels to be operated in an essential service, served by citizens of the U.S. which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry is inadequate and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Board will take such action as may be deemed appropriate.

Dated: January 30, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-2853 Filed 2-1-74;8:45 am]

National Oceanic and Atmospheric Administration

KENNETH S. NORRIS

Issuance of Permit for Marine Mammals

On December 17, 1973, a notice was published in the FEDERAL REGISTER (38 FR 34681), stating that an application had been filed with the National Marine Fisheries Service by Dr. Kenneth S. Norris, Professor of Natural History, University of California, Santa Cruz, California 95064, for a Permit to take, tag and release five suckling California gray whales (*Eschrichtius robustus*) in the vicinity of Boca Soledad, upper Magdalena Bay, Baja California.

Notice is hereby given that, pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), after having considered the application and all other pertinent information and facts, with regard thereto, the National Marine Fisheries Service issued a Permit on January 25, 1974, to Kenneth S. Norris, subject to certain conditions set forth in the Permit, which is

available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C.

Dated: January 28, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-2815 Filed 2-1-74;8:45 am]

SEA WORLD, INC.

Notice of Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for public display as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and section 216.12 of the Interim Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, December 21, 1972, which is now covered under § 216.31 of the Final Regulations, 39 FR 1851, January 15, 1974) and pursuant to the instructions for preparing applications for permits (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient for consideration under the provisions of § 216.33(a) of the Final Regulations.

Sea World, Incorporated, 1720 South Shores Road, Mission Bay, San Diego, California 92109, to take four killer whales (*Orcinus orca*) for public display.

The animals will be taken from the following locations, in order of preference:

Canadian offshore waters in and around Vancouver Island near the mainland; or the area from the city of Vancouver northward through coastal Alaskan waters; coastal waters off the northwestern United States; or offshore Alaskan or Mexican waters. A permit authorizing the taking of these killer whales until April 11, 1974, has been granted by Mexico and all other permits from foreign countries will be obtained prior to capture operations commencing.

The animals will be taken by Sea World personnel. The whales will be allowed to enter a bay or harbor, the entrance of which will then be closed with a large mesh net. After herding the animals into a working area, groups of two or three whales will be directed into floating pens. Animals to be taken will be selected and placed in individual floating pens. The pens will be at least twice the body length of the animal in diameter and equal to the body length in depth. The remaining animals will then be freed.

The collected animals will be transported to Sea World, San Diego, by commercial airline. Each animal will be transported in a cradle measuring five feet wide, five and one-half feet tall and sixteen feet or more in length as needed. The transport arrangements provide for the specific support, temperature and moisture requirements of killer whales. Following an acclimation period of six to twelve months, the whales will be transported to Sea World, Florida, via commercial airline.

At Sea World, San Diego, the animals will be maintained in one of five facilities of the following dimensions: one tank, 25 feet deep, 125 feet long, 50 feet wide, 620,000 gallon capacity; two tanks, each 50 feet in diameter, 13½ feet deep, 190,000 gallon capacity; and two tanks, each 36 feet in diameter, 10 feet deep, 45,000 gallon capacity.

At Sea World, Florida, the animals will be maintained in one of three facilities of the following dimensions; one tank, 25 feet deep, 125 feet long, 50 feet wide, 534,000 gallon capacity; and two tanks, 35 feet in diameter, 12 feet deep, 93,000 gallon capacity. At either location, no more than two killer whales will be maintained in any one tank at the same time.

The curator of Sea World has dealt with the care and husbandry of captive marine mammals for nine years. The co-curators have a collective total of 29 years experience in care and treatment of captive marine animals. A staff with several years experience is available to all members of the husbandry department.

Sea World has provided ecologically-oriented educational exhibits to over two million visitors annually. The killer whale has been the dominant focus and key attraction in these exhibits. The four requested animals will be trained and exhibited at the Florida facility. The animals will be displayed in pairs for short periods of time on an alternating basis as indicated by daily need.

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

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

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141;

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

Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North Seattle, Washington 98109, telephone 206-442-7575;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907-586-7221.

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

Pursuant to § 216.33 of the Final Regulations, interested parties may submit written data or views on this application on or before March 6, 1974.

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

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

Dated: January 30, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-2814 Filed 2-1-74;8:45 am]

SEA WORLD, INC.

Notice of Public Hearing

Notice is hereby given that, as authorized by § 216.33 of the Final Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974) a hearing will be held at 10 a.m., local time, on February 20, 1974, in the Fourth Floor Conference Room, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109. The purpose of the hearing is to consider the application for a public display permit from Sea World, Incorporated for the taking of four (4) killer whales (*Orcinus orca*) which will be trained and exhibited at Sea World of Florida in Orlando, Florida. The animals will be taken from the following locations, in order of preference:

Canadian offshore waters in and around Vancouver Island near the mainland or the area from the city of Vancouver northward through coastal Alaskan waters; coastal waters off the Northwestern United States; or offshore Alaskan or Mexican waters.

Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between the date of publication of this notice and 15 days following the hearing. Written comments should be submitted, and inquiries with respect to this hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109, or the Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99801.

Dated: January 30, 1974.

JACK W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74-2816 Filed 2-1-74;8:45 am]

Office of the Secretary

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Meeting and Agenda

JANUARY 30, 1974.

The Management-Labor Textile Advisory Committee will meet at 2:30 p.m. on February 13, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members representing the industry, trade associations, and trade unions, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with section 10(d) of the Federal Advisory Committee Act and the OMB–Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-2775 Filed 2-1-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRANTS TO STATE AND LOCAL EDUCATIONAL AGENCIES

Closing Date for Receipt of Applications

On page 21924 of the FEDERAL REGISTER of August 14, 1973, there was published a notice establishing February 1, 1974, as the closing date for the receipt of applications for grants to State and local educational agencies under Part C of Title V of the Elementary and Secondary Education Act of 1965 (84 Stat. 145–148, 20 U.S.C. 867–867c). This date of February 1, 1974, related to applications for funds made available pursuant to the continuing resolution appropriating monies for fiscal year 1974 (P.L. 93–52, as amended by P.L. 93–124).

Additional fiscal year 1974 funds have now been made available for some States pursuant to the Departments of Labor and Health, Education, and Welfare Appropriations for Fiscal Year 1974 (P.L. 93–192). Additional fiscal year 1973 funds have now also been made available for most States.

This notice hereby rescinds the establishment of February 1, 1974, as the closing date for the receipt of applications for grants under Part C of Title V. A new date of March 11, 1974, is established as the final closing date for the receipt of applications from State and local educational agencies for grants of both fiscal year 1973 and fiscal year 1974 funds.

An application for a grant from a local educational agency should be submitted through its State educational agency in time for the State agency to review the application and forward all applications from that State together to the Office of Education in accordance with the provisions of 45 CFR 129.4(b).

Applications forwarded by State educational agencies must be received by the Division of State Assistance, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202, on or before.

An application sent by mail will be considered to be received on time by the Division of State Assistance if: (1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or (2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(20 U.S.C. 867–867c)

Dated: January 29, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-2825 Filed 2-1-74;8:45 am]

RIGHT TO READ SCHOOL BASED PROGRAMS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 2 of the Cooperative Research Act, as amended by section 303 of Title III of the Education Amendments of 1972 (20 U.S.C. 331a), applications for continuations of ongoing projects are being accepted under the Right to Read School Based Program. Applications for new projects will not be accepted.

Applications for continuation support must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.533) on or before March 11, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from the Right to Read Program, U.S. Office of Education, Room 2131, 400 Maryland Avenue, SW., Washington, D.C. 20202.

(20 U.S.C. 331a)

Dated: January 29, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.533; Right to Read—Elimination of Illiteracy)

[FR Doc.74-2826 Filed 2-1-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[FDAA-417-DR; Docket No. NFD-150]

MONTANA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on January 29, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Montana resulting

from severe storms, snow-melt, flooding, and landslides, beginning about January 15, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Montana. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Donald G. Eddy, HUD Region 8, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Montana to have been adversely affected by this declared major disaster:

The counties of:

Deer Lodge	Lincoln
Flathead	Missoula
Glacier	Sanders

This disaster has been designated as FDAA–417–DR.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: January 29, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–2810 Filed 2–1–74;8:45 am]

WEST VIRGINIA

[FDAA–416–DR; Docket No. NFD–151]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on January 29, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of West Virginia resulting from severe storms and flooding, beginning about January 10, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of West Virginia. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Public Law 91–606, as amended), I hereby appoint Mr. Richard E. Sanderson, HUD Region 3, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of West Virginia to have been adversely affected by this declared major disaster:

The Counties of:

Kanawha	Mingo
Lincoln	Wayne
Logan	

This disaster has been designated as FDAA–416–DR.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

Dated: January 29, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–2811 Filed 2–1–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Meeting and Agenda

On February 9–10, 1974, the Youths Highway Safety Advisory Committee will hold an open meeting at the DOT Headquarters Building, 400 Seventh Street SW., Rooms 5332–5336, Washington, D.C. The Committee is composed of persons appointed by the National Highway Traffic Safety Administrator to consult with and advise him concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9:00 a.m. to 5:00 p.m. on February 9, 1974 and from 9:00 a.m. to 12:00 noon on February 10, 1974. The agenda is as follows:

Report on Contract No. DOT–HS–099–3–747 "Identification of Countermeasures for the Youth Crash Problem Related to Alcohol".
Identification of Safe Driving Unknowns of Youthful Drivers.
National Conference Workshop Planning.
National Conference Agenda Planning.
Discussion on Effect of Lower Drinking Ages on Youth Crash Involvement.
Discussion on Proposed Resolutions.
Wrap-up on National Conference Plans.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202–426–2872.

Issued on January 29, 1974.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.74–2749 Filed 2–1–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–471 and 50–472]

BOSTON EDISON COMPANY, ET AL.

Notice of Receipt of Applications for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matter

The Boston Edison Company, Central Maine Power Company, Central Vermont Public Service Corporation, The Connecticut Light and Power Company, Fitchburg Gas and Electric Light Company, Montaup Electric Company, New Bedford Gas and Edison Light Company, New England Power Company, Public Service Company of New Hampshire, The United Illuminating Company, Western Massachusetts Electric Company, Ashburnham Light Department, Braintree Electric Light Department, Holyoke Gas and Electric Department, Hudson Light and Power Department, Marblehead Municipal Light Department, Middleboro Municipal Gas and Electric Department, Middleton Municipal Light Department, North Attleborough Electric Department, Paxton Municipal Light Department, Templeton Municipal Light Plant, and The Electric Department of the City of Burlington (applicants), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed on December 21, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water reactor designated by the applicants as Pilgrim Nuclear Generating Station, Unit 2. In addition, the Boston Edison Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on December 21, 1973, for authorization to construct and operate a generating unit utilizing a pressured water reactor designated by the applicant as Pilgrim Nuclear Generating Station, Unit 3. The applications were tendered on June 7, 1973. Following a preliminary review for completeness, they were rejected on July 16, 1973, for lack of sufficient information. The applicants submitted additional information on November 28, 1973, and the applications were found to be acceptable for docketing. Docket Nos. 50–471 and 50–472 have been assigned to the applications and should be referenced in any correspondence relating to the applications.

The proposed nuclear facilities are located on the applicants' site on the western shore of Cape Cod Bay and south of Plymouth Bay in the Town of Plymouth County, Massachusetts. The site

is approximately 4½ miles south-southeast of the town center and approximately 38 miles southeast of Boston, Massachusetts. Each reactor is designed for initial operation at approximately 3456 megawatts (thermal), with a net electrical output of approximately 1180 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the applications presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing—Regulation, on or before March 15, 1974. The request should be filed in connection with Docket Nos. 50–471–A and 50–472–A.

A copy of the applications is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Plymouth Public Library, North Street, Plymouth, Massachusetts 02360.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated January 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Cambridge Street, Room 909, Boston, Massachusetts 02202 and at the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, Massachusetts 02780.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 4th day of January, 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors, Project Branch 1–1, Directorate of Licensing-Regulation.

[FR Doc.74–904 Filed 1–11–74;8:45 am]

[Docket No. 50–460]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Receipt of Application for Construction Permit and Facility License and Availability of Applicant's Environmental Report

Washington Public Power Supply System (the applicant), pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed October 18, 1973, for authorization to construct and operate a generating unit utilizing a pressurized water nuclear reactor. The application was tendered on July 16, 1973. Following a preliminary review for compelteness, the application was rejected on August 20, 1973, for lack of sufficient information. The applicant submitted additional information on October 1, 1973, and the application was found to be acceptable for docketing. Docket No. 50–460 has been assigned to the application and it should be refereneced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the WPPSS Nuclear Project No. 1, is located on the applicant's site in Benton County, Washington, and is designed for initial operation at approximately 3619 megawatts thermal, and a net electrical output of approximately 1206 megawatts.

A notice of hearing with opportunity for public participation is beng published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before February 19, 1974. The request should be filed in connection with Docket No. 50–460–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an environmental report dated October 15, 1973. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations, and at the Office of the Governor, State Planning and Community Affairs Agency, Olympia, Washington 98504 and the Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Washington 99352.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will aso contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory saff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 14th day of December, 1973.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors, Branch 2–3, Directorate of Licensing.

[FR Doc.73–27005 Filed 12–20–73;8:45 am]

[Docket Nos. 50–348A; 50–364A]

ALABAMA POWER CO.

Notice of Reconstitution of Board

In the matter of Alabama Power Company (Joseph M. Farley Nuclear Plant, Units 1 and 2); Docket Nos. 50–348A, 50–364A.

Walter W. K. Bennett, Esq., who was Chairman of the Board for the above proceeding, has retired from the Atomic Safety and Licensing Board Panel.

Michael Glaser, Esq., who has been a member, is appointed Chairman of this Board.

Dr. Kenneth G. Elzinga, whose address until June 30, 1974, is the University of Chicago Law School, 1111 E. 60th Street, Chicago, Illinois 60637, is appointed the third member of the Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Washington, D.C., this 30th day of January 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74–2821 Filed 2–1–74;8:45 am]

[Docket No. 50-366A]

GEORGIA POWER CO.

Notice of Reconstitution of Board

In the matter of Georgia Power Company (Hatch Nuclear Plant, Unit 2) Docket No. 50-366A.

Walter W. K. Bennett, Esq., who was Chairman of the Board for the above proceeding, has retired from the Atomic Safety and Licensing Board Panel.

Michael Glaser, Esq., who has been a member, is appointed Chairman of this Board.

Dr. Kenneth G. Elzinga, whose address until June 30, 1974, is the University of Chicago Law School, 1111 E. 60th Street, Chicago, Illinois 60637, is appointed the third member of the Board.

Reconstitution of the Board in this manner is in accordance with § 2.721 of the Rules of Practice, as amended.

Dated at Washington, D.C., this 30th day of January 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-2822 Filed 2-1-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 1, "Power Reactor Guides." Regulatory Guide 1.73, "Qualification Tests of Electric Valve Operators Installed Inside the Containment of Nuclear Power Plants," endorses IEEE Standard 382-1972 (ANSI N41-6), "Trial-Use Guide for Type Test of Class I Electric Valve Operators for Nuclear Power Generating Stations," as describing an acceptable method of complying with the Commission's regulations with regard to qualification testing of a prototype unit.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Physical Independence of Safety Related Electric Systems.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-Situ Components.
Category I Structural Foundations.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Applicability of Nickel-base Alloys and High Alloy Steels.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Design Basis Tornado for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class I Cables and Connectors Installed Inside the Containment.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Quality Assurance Terms and Definitions.
Nuclear Reactor Glossary of Terms.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Inservice Inspection and Testing of Steam Generators.
Component Design Criteria for Elevated Temperature Reactors.
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release.

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 25th day of January 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-2823 Filed 2-1-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 20993; Order 74-1-142]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Opinion and Order of the Board on Cargo Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of January, 1974.

On November 29, 1972, the United States Court of Appeals for the District of Columbia Circuit filed its decision in *American Importers Association*, vs. *Civil Aeronautics Board*, C.A.D.C. No. 24,849, brought upon a petition for review filed by the American Importers Association (AIA). The order remanded for further proceedings the record underlying the Board's orders of approval, subject to conditions, of an agreement filed by the International Air Transport Association (IATA) relating to allowable free storage time for import shipments at U.S. air terminals.

The agreement, as submitted to the Board, eliminated in the U.S. and certain other geographical areas, a provision which permitted carriers, by local agreement, to extend or reduce the free storage period on inbound shipments beyond 48 hours after 8:00 a.m. of the day following *arrival* at the airport of destination. The elimination of this provision had the effect of reducing the free time allowance for inbound shipments at U.S. airports from an existing 3 days to 2 days. Weekends and legal holidays were not to be included in the computation of this 48-hour period. The Board subsequently conditioned its approval of the agreement to require that the 48-hour free storage period not commence until 8:00 a.m. of the day following *notification*, to the consignee or his agent, that the con-

signment has arrived and is available for Customs clearance.[1]

In its remand, the Court of Appeals concluded there was an inadequate record for the Board's approval of these agreements since the record did not contain information on the experience gained by shippers and carriers under the IATA free storage rule, as conditioned by the Board, with weekends and legal holidays not included in the free 48-hour period; and under the procedures set up by the carriers (outlined in Order 70–5–93 of May 19, 1970). These procedures were designed to ensure proper application of storage charges, and maintenance of records in conjunction with such procedures. However, the court has retained jurisdiction over this case, with final decision to await the filing of the amplified record.

Accordingly, the Board issued an order [2] calling for all interested parties to submit additional evidence pursuant to the Court's decision. Material has been received from the American Importers Association (AIA), E. Besler and Company (Besler), American Airlines, Inc. (American), Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA).

The petitioner, AIA, states that a factual presentation of the data called for cannot be obtained from their members' records. AIA acknowledges that the congestion problems in the international air freight industry, particularly at Kennedy International Airport, have eased considerably since 1969 primarily due to the proliferation of "off airport terminals" used by indirect carriers for their distribution and delivery. This has resulted in considerable decongestion at the carriers' terminals thus allowing them to handle the remaining cargo more expeditiously.[3] AIA cites certain procedures such as more stringent examinations by Customs and other government agencies, not prevalent except in the United States, which cause delays in the average small or medium size importer's ability to pick up his shipment. AIA recommends that the free time at all U.S. airports be increased to 72 hours or that the free time remain at 48 hours with the option that U.S. airports be able to increase the free-time period to adjust to local airport conditions. AIA further recommends that the free-time period at all U.S. airports be increased for shipments not able to meet the free-time limits for any of the following reasons: (1) Quota merchandise which requires approval from Customs in Washington, D.C.; (2) Foodstuffs, toys, and other consumer safety products which require inspection by Food and Drug Administration and Consumer Products Safety Commission personnel; (3) Bank consignments where the importer cannot control the documents; and (4) Merchandise subject to inspection by various environmental control agencies such as the Bureau of Wildlife and Fisheries. AIA, however, has presented no data in support of its position other than a small table showing the general growth of domestic and international carriages at Kennedy Airport from 1969 through 1972.

Besler, an air freight forwarder and customs broker at the O'Hare International Airport in Chicago, also presented no data as to import activity, but outlined the airlines' procedures for notification, as well as the procedures of Customs and of the Brokers. Besler maintains that 48 hours free time from time of notification is too short and recommends the 48-hour free-time period begin at 8:00 a.m. the day following customs release.

In support, Besler cites the critical timing involved in obtaining notification and documentation from the airlines and presenting the documents to Customs early enough to effect shipment release the same day, and alleges that delays resulting from an airline's inability to locate or open a shipment for Customs inspection are not uncommon. Besler further maintains that due to a shortage of Customs inspectors many are diverted from cargo inspection to man baggage inspection stations during peak daytime periods. Additionally, Besler cites delays in shipment pickup after Customs release, (especially when an interstate motor carrier is used) caused by the need to verify shipment release by Customs before coordinating shipment pickup as well as the tendency of these motor carriers to wait until they have several shipments to pick up before they will call at the airport.

The materials submitted by American, Pan American, and TWA show that there are an extremely limited number of shipments which incurred storage charges in 1972 at the principal international airports. These data corroborate AIA's statement that the direct air carriers are in a position to tender cargo at the Kennedy Airport in a more expeditious manner than they appear to have been able to do in 1969. For example, the airline data show that of a total of 84,289 shipments received in six major U.S. airports [4] in 1972 only 1.6 percent or 1,357 shipments were assessed demurrage totaling $20,632.43, and that fully 94.4 percent or 82,058 shipments were picked up on time. And at Kennedy, a high density airport of particular interest to importers and cited in the Court's decision as one in which a uniform free storage time regulation could not be generally reasonable unless it were reasonable for such a high density facility, of a total 37,888 shipments handled in 1972 by the three airlines only 1.1 percent or 412 shipments incurred demurrage totaling $8,361.00 and that 96.7 percent or 36,645 shipments were picked up within the time period allowed.[5]

Thus it is apparent from current data submitted by the carriers and the comments received from AIA and Besler [6] that importers as a group are suffering no serious hardship from demurrage charges under the modified agreement as approved and conditioned by the Board. We cannot assess the extent to which

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[1] Generally, there is little delay between the arrival of a shipment and the notification of its availability for customs clearance. However, even if notification is immediate, the mere fact that the agreement, as conditioned, provides that free time does not commence until 8:00 a.m. on the day *following* notification of arrival, and excludes weekends from the computation, means that the actual "free" storage time could be significantly greater than two days. Indeed, the practical effect of these provisions is to provide a minimum of free storage time ranging from 56 hours to 104 hours, depending on the day of arrival and notification that a shipment is available to clear customs. For example, upon notification on Friday of a shipment's arrival, the free time would not commence until 0800 hours on Monday, thereby allowing 104 hours as a minimum. These figures are minima because the day of notification is not counted. Depending on the time of notification, they could be exceeded by as much as 24 hours, i.e., if notification is given just after midnight.

[2] Order 73–3–81, dated March 21, 1973, Appendix A attached thereto gave details of the data to be submitted. In sum, the Board requested, on a sample basis, data relating to the number of shipments received, assessed demurrage, amounts assessed, reasons for assessment or non-assessment, times involved, average time shipments were in free storage and information relative to the need for local flexibility. In addition, the Board requested from carrier parties details of their inbound shipment processing procedures, and for importer parties details of their processing of import shipments. The due dates for submission of material pursuant to this order were twice postponed, first from April 20, 1973 to May 25, 1973 and then to July 9, 1973; both at AIA's pleading of difficulties experienced in collecting the requested data.

[3] AIA maintains that indirect carriers, who are exempt from regulations on inbound shipments under § 297.11 of the Board's regulations, have probably adopted similar free-time rules as the direct carriers and are rapidly approaching the state of congestion experienced by direct carriers three years ago with resultant poor service and unreasonable demurrage charges. AIA feels that this should be a concern to the Board.

[4] Although Order 73–3–81 only specified three high traffic density airports (Kennedy, O'Hare, and L.A. International Airports) to be sampled, one carrier submitted samplings from three additional lower traffic density airports serving major U.S. cities—Baltimore, Detroit, and Washington, D.C. (Dulles). The limited data from these last three airports has been included in the interests of balance and to offer a picture of the situation at less crowded airports.

[5] The percentage total for shipments picked up on time and those incurring demurrage do not add up to 100 percent since there was a small percentage of shipments not properly accounted for in the airline submissions. See Appendices A and B filed as part of the original document for further details.

[6] Besler submitted no data to support its allegations of hardship. Additionally, while AIA maintains that indirect carriers are rapidly approaching the state of congestion experienced by direct carriers three years ago with resultant poor service and unreasonable demurrage charges, and feels this should be of concern to the Board, it likewise, has failed to submit evidence documenting this. If in the future such documented evidence were made available to substantiate this, the evidence could then be presented to the Board for its consideration.

this favorable experience is due to a proliferation of "off airport terminals" by indirect air carriers as noted by AIA, or improved procedures by the direct air carriers following the Board's admonition in its order of May 19, 1970. (Order 70–5–93)[7]

Be that as it may, in our judgment the evidence shows that the 48-hour free-storage period, excluding weekends and legal holidays from computation and conditioned so that time does not begin until 8:00 a.m. of the date following notification, provides a reasonable opportunity for consignees to receive their shipments without the imposition of storage charges and is in the public interest. In making this finding we note from the data submitted that on the 1.6 percent of shipments upon which storage was assessed, the average storage beyond the free period at the airports surveyed was 7.8 days in 1972, and that some shipments were not picked up for as long as three or four weeks after notification. This we believe indicates that, except in unusual cases, consignees were simply utilizing the cargo facilities of the carriers for storage purposes. No extension of the storage period within the range of reason would obviate all situations where storage charges are imposed, nor do we believe that such a course is desirable. The air carriers are in the business of providing transportation especially geared to the needs of those who require fast service. The storage of traffic, after arrival at destination, incurs additional costs to the carriers. The Board recognizes that such storage should be provided as a service incidental to the movement of the traffic for such period as will reasonably enable the receivers to arrange for customs clearance and pick-up of the traffic. A balance in free-storage time must be struck which will meet the requirements of the receivers of traffic and at the same time assess charges to compensate for the costs incurred by the carriers in those situations where reasonable diligence was not exercised to take delivery of shipments. To sanction a longer period than reasonably necessary would in the long run result in the costs of extended storage or warehousing for some being passed on to the general shipping and receiving public. In addition, it is accepted that delay in taking delivery of cargo increases the possibility of theft and pilferage, and makes recovery of lost shipments more difficult.[8]

Turning to the issues of uniformity raised in this case, in the past the Board has noted the desirability of maintaining uniformity in rules, regulations, practices, and services. Further, the historical development in the field of transportation has tended toward uniformity of rules and regulations and abundantly demonstrates the practical necessities behind such trend and the advantages to the shipper and the carrier in such uniformity. From the point of view of the carrier, relatively simple and uniform rules add to the attractiveness of the service offered. Conversely, they tend toward elimination of confusion for the shipper and can be of particular benefit to a small shipper who cannot employ a large staff of traffic men. They help speed the movement of interline shipments and aid in the development of a smooth-working transportation system.[9]

In considering the question of local airport flexibility, the Court of Appeals indicated that a uniform free-time period could be considered reasonable "[i]f the basic free storage period is sufficient to allow a reasonable period for the clearance of cargo at United States airports, generally without 'injustice' at any [high-density] airport." Data, covering six major airports for 1972, indicates that the percentage of shipments picked up on time at each airport ranged from 94.1 to 100 percent and the percentage of shipments assessed demurrage ranged from 5.2 percent to none; 2.2 and 0.7 percent of the shipments at New York and Chicago respectively were not accounted for in the airline data or were not charged demurrage by error.[10] In light of this, it would appear that the free-storage rule provides sufficient time within which to effect the removal of shipments at each of the high-density airports of interest to importers, and thus avoids "injustice" at any of those airports. Therefore, for the reasons above, we do not believe it warranted to alter our previous position and provide for local flexibility.

Thus, the parties concerned, to the best of their abilities, have submitted additional data which, given the difficulties inherent in collecting data of this nature, are apparently the best available. These facts show that importers as a group are suffering no serious hardships from unwarranted demurrage charges under the present modified agreement and demonstrate that the free-storage period is sufficient to allow a reasonable opportunity for the clearance of cargo without the imposition of storage charges at each high-density airport of interest to importers. Moreover, the facts, in our opinion, do not indicate that it is necessary to extend the free-time period for certain types of shipments as AIA suggests as no compelling reason for so doing or demonstration of injury has been made by any party.

The Board therefore finds upon the record herein, as supplemented by the evidence presented pursuant to Order 73–3–81, the agreement pertaining to free-storage time as previously conditioned by the Board is in the public interest and not in violation of the Act.

Accordingly, pursuant to the Federal Aviation Act of 1958 and the order of the United States Court of Appeals for the District of Columbia Circuit in *American Importers Association* vs. *Civil Aeronautics Board* C.A.D.C. No. 24,849, dated November 29, 1972:

It Is Ordered, That: This opinion and the supplemental record be filed with the U.S. Court of Appeals for the District of Columbia Circuit.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[11]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–2848 Filed 2–1–74;8:45 am]

[Docket 24678; Order 74–1–146]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Reduced Passenger Fares for Sales Agents

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of January, 1974.

By Order 72–8–79, August 17, 1972, the Board approved an agreement of the International Air Transport Association (IATA) to permit passenger sales agents who are eligible for reduced-fare transportation under existing IATA resolutions, and who are also representatives of the Universal Federation of Travel Agents' Associations (UFTAA), to travel to joint IATA/UFTAA meetings on the services of IATA members without charge being made against the agent's normal allocation of reduced-fare tickets.[1] The agreement stipulates that each agent must be certified as an official UFTAA representative by the Secretary General of UFTAA. Travel is at a 75 percent reduction from the otherwise applicable fare.

Our approval was limited through December 31, 1973, and was subject to the condition that the U.S. carriers file within 30 days of the completion of each IATA/UFTAA meeting, a report specifying the meeting's date, location and purpose, as well as an attendance list including the carriers and routings used by all United States-based agents.

By a letter dated December 31, 1973, the IATA Secretariat requests the Board to extend its approval for a further period to facilitate a continuing exchange of views with UFTAA.

Reports submitted pursuant to our initial approval indicate that only one United States-based travel agent has traveled under the subject provisions. The conference involved was a joint

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[7] Pan American states that to the extent its survey indicated that certain station personnel were misinterpreting the rules, a company training program has been instituted to make appropriate corrections.

[8] See Department of Transportation Cargo Security Advisory Standards; Internal Accountability Procedures, Notice of Proposed Standard Setting, FR Doc. 73–18511 filed August 29, 1973.

[9] *Air Freight Tariff Agreement Case*, 14 C.A.B. 424, 426 decided August 28, 1951.

[10] See Appendix C filed as part of the original document.

[11] Timm, Chairman, Gillilland, Vice Chairman, Minetti and West, Members concurred in the above opinion and order. O'Melia, Member, did not participate.

[1] Presently, each passenger sales agency receives two tickets at a 75 percent discount for each qualified employee per agency location per calendar year.

meeting of IATA's passenger Agency Committee and UFTAA, held in London on January 16, 1973 to discuss the security of ticket stock deposited with IATA travel agents. Accordingly, there appears to have been no abuse of this reduced-fare privilege, and the resolution will be reapproved on an indefinite basis, subject to the same reporting requirement originally imposed.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in Agreement C.A.B. 23108, are adverse to the public interest or in violation of the Act provided that approval is subject to previous conditions imposed by the Board:

IATA RESOLUTIONS

100(Mail 897)203h
200(Mail 142)203h
300(Mail 376)203h
JT12(Mail 791)203h
JT23(Mail 298)203h
JT31(Mail 219)203h
JT123(Mail 690)203h

Accordingly, *It Is Ordered, That:*

Agreement C.A.B. 23108 be and hereby is approved subject to previous conditions imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-2847 Filed 2-1-74;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Wednesday, February 6, 1974, at 9:30 a.m., in Room S-146 of the Capitol.

The purpose of the meeting is to plan the second phase of the Commission's work, that dealing with the structure and internal procedures of the Federal court appellate system. Subjects which deserve Commission attention will be considered and proposals for research will be discussed. Plans will also be formulated for future hearings to be held by the Commission.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

[FR Doc.74-2867 Filed 2-1-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

MINNESOTA AIR QUALITY PLAN

Notice of Public Hearing

Notice is hereby given that pursuant to the provisions of section 110(f) (1), (2) of the Clean Air Act, a public hearing will be held on March 26, 1974, beginning at 9:30 a.m. local time for the purpose of determining whether the requirements of Regulation APC-5 of the State of Minnesota Implementation Plan to Achieve and Maintain Air Quality Standards, as said regulation applies to the Boise Cascade Corporation, kraft pulp and paper mill in International Falls, Minnesota, should be postponed for a period not to exceed one year. The hearing will convene at the United States District Court, 515 West 1st Street, Duluth, Minnesota. The Civil Service Commission has designated Harold H. Fisher as the Administrative Law Judge who will preside at the hearing. The hearing may continue beyond one day and the Administrative Law Judge may reconvene the hearing at such time and place as he shall indicate by announcement at the hearing.

I. *Applicable regulations.* Regulation APC-5 of the State of Minnesota Implementation Plan to Achieve and Maintain Air Quality Standards provides, in relevant part:

(b) Emission Limitations.

(1) Except as provided in Section (b) (2) below, no person shall cause, suffer, allow, or permit the emission of particulate matter in any one hour from any source in excess of the amount shown in Table 1 for the allocated process weight.

TABLE 1

Process weight rate		Rate of emission
Pound/hour	Tons/hour	Pounds/hour
100	0.05	0.551
200	.10	.877
400	.20	1.40
600	.30	1.83
800	.40	2.22
1,000	.50	2.58
1,500	.75	3.38
2,000	1.00	4.10
2,500	1.25	4.76
3,000	1.50	5.38
3,500	1.75	5.96
4,000	2.00	6.52
5,000	2.50	7.58
6,000	3.00	8.56
7,000	3.50	9.49
8,000	4.00	10.4
9,000	4.50	11.2
10,000	5.00	12.0
12,000	6.00	13.6
15,000	8.00	16.5
18,000	9.00	17.9
20,000	10.00	19.2
30,000	15.00	25.2
40,000	20.00	30.5
50,000	25.00	35.4
60,000	30.00	40.0
70,000	35.00	41.3
80,000	40.00	42.5
90,000	45.00	43.6
100,000	50.00	44.6
120,000	60.00	46.3
140,000	70.00	47.8
160,000	80.00	49.0
200,000	100.00	51.2
1,000,000	500.00	69.0
2,000,000	1,000.00	77.6
6,000,000	3,000.00	92.7

Interpolation of the data in this table for process weight rates up to 60,000 lb/hr.

(2) The limitations established by section (b)(1) shall not require the reduction of particulate matter concentration specified in Table 2 for such volume. The burden of showing the source gas volume, including all factors and methods determining such volume, shall be on the person seeking to come within the provisions of this section.

TABLE 2

Source Gas Volume, SCFM[a]	Concentration GR/SCF[b]
7,000 or less	0.100
8,000	.096
9,000	.092
10,000	.089
20,000	.071
30,000	.062
40,000	.057
50,000	.053
60,000	.050
80,000	.045
100,000	.042
120,000	.040
140,000	.038
160,000	.036
180,000	.035
200,000	.034
300,000	.030
400,000	.027
500,000	.025
600,000	.024
800,000	.021
1,000,000 or more	.020

[a] Standard cubic feet per minute (See "Definition" 16).
[b] Grains per standard cubic foot.

* * * * *

(5) Any existing emission source which has particulate collection equipment with a collection efficiency of 99 percent by weight or any new emission source which is installed with particulate collection equipment of 99.7 percent efficiency by weight shall be considered as meeting the provisions of this regulation.

The Boise Cascade kraft pulp and paper mill permits the emission of particulate matter and accordingly, is subject to the requirements of Regulation APC-5, as set forth above and in the appropriate Tables.

The Source Gas Volume at the mill has been estimated at 67,500 Standard Cubic Feet Per Minute which can be interpolated into Table 2 requirements as permitting only .048 Grains/Standard Cubic Foot concentration in the stack gas as the maximum allowable emissions from this company.

Regulation APC-5 is designed to attain and maintain both primary and secondary national ambient air quality standards for particulate matter. The Minnesota Air Implementation Plan provides for achievement of both primary and secondary standards for particulate matter three years from the date of plan approval or promulgation. The Minnesota Plan was approved with certain irrelevant exceptions on May 31, 1972 (37 FR 10874). The Governor of Minnesota has determined that the Boise Cascade Corporation kraft pulp and paper mill cannot meet the requirements of APC-5 by May 31, 1975. As a consequence he has requested that the Environmental Protection Agency postpone the effective date of such requirements for one year.

II. *Requirements of section 110(f) of the Clean Air Act (42 U.S.C. section 1857c-5(f)).* Under section 110(f) of the Clean Air Act, the Administrator of the Environmental Protection Agency may

not grant a postponement such as the one being requested by the Governor of the State of Minnesota unless the Administrator determines that the four statutory requirements of section 110(f)(1)(A)–(D) of the Clean Air Act have been met. Under section 110(f)(2) of the Clean Air Act, the Administrator's determination must be based on the record of a public hearing such as the one provided for by this notice. As applied to the Boise Cascade Corporation, the four requirements of section 110(f)(1)(A)–(D) of the Clean Air Act are as follows:

(1) Good faith efforts have been made by Boise Cascade Corporation to comply with the provisions of Regulation APC–5 by May 31, 1975.

(2) Boise Cascade Corporation is unable to comply with the provisions of Regulation APC–5 because the necessary technology or other alternative methods of control are not available or have not been available for a sufficient period of time.

(3) During the pendency of any postponement which is granted Boise Cascade Corporation will employ (or has already employed) any available operating procedures and interim control measures capable of reducing the impact of the kraft pulp and paper mill emissions on the public health.

(4) The continued operation of the Boise Cascade Corporation during the period of time provided by the postponement is essential to the national security or to the public health or welfare of the community.

III. *Reasons for requested postponements.* The following is a brief summary of some of the reasons offered by the Boise Cascade Corporation kraft pulp and paper mill as grounds for the postponement being requested. The statements contained in this summary are for informational purposes only and should not in any way be regarded as binding on any of the parties to the scheduled hearing.

The Boise Cascade Corporation claims that its kraft pulp and paper mill in International Falls, Minnesota cannot comply with the requirements of Regulation APC–5 by the May 31, 1975 attainment date because it is impossible to install the new recovery boiler system needed to abate particulate emissions with the best technology available within that time frame.

The Boise Cascade Corporation claims that additional time in which to meet the requirements of Regulation APC–5 at its kraft pulp and paper mill is warwanted because of the good faith efforts shown by its discontinuing the open burning of vinsol dust (which dust is now burned in the bark boiler), its installation of a particulate scrubber on the lime kiln, its projected control of the chip handling operation by October, 1974.

IV. *Procedural rules and public participation.* The rules of procedure which will govern the conduct of the public hearing hereinabove described have been published in the August 15, 1973 FEDERAL REGISTER at page 22025 (38 FR 22025) and amended in the October 2, 1973 FEDERAL REGISTER at page 27286 (38 FR 27286). Copies of the rules may be obtained by writing to Ms. Eva Lacey, Regional Hearing Clerk, EPA Region V, 1 North Wacker Drive, Chicago, Illinois 60606.

Persons wishing to submit comments relating to the subject matter of the hearing may do so at any time prior to the commencement of the hearing by filing five copies of such comments with the Regional Hearing Clerk at the address stated above. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Regional Hearing Clerk during regular business hours, 8:15 a.m.—4:45 p.m.

Interested persons wishing to be made a party to the hearing shall file a request to be made a party within 30 days following this public notice with the Regional Hearing Clerk at the above stated address. A copy of such request shall also be sent to the Administrative Law Judge at the following address: 830 Plymouth Building, 12 S. 6th Street, Minneapolis, Minnesota 55402. The request shall contain the following information:

(1) The name and address of the person making the request (the requester);

(2) The interest of the requester;

(3) The identity of all persons whom the requester represents;

(4) A statement expressing with particularity the position of the requester on the matters to be considered at the hearing.

All information accompanying any request to be made a party shall be available for public inspection at the Office of the Regional Hearing Clerk during normal business hours.

Persons who do not wish to be made a party to the hearing, but, who, nevertheless wish to make an oral statement at the hearing may do so by submitting a request to the Regional Hearing Clerk at any time prior to the commencement of the hearing. Requests to make an oral statement will be routinely granted. Persons making such statements will be open to questions at the hearing.

Persons wishing additional information should direct all inquiries to the Regional Hearing Clerk at the address specified above or by calling Area Code 312–353–1452.

Dated: January 26, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74–2661 Filed 2–1–74;8:45 am]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

By April 5, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 904–EEL. B. G. Pratt Division, Gabriel Chemicals Ltd., 204 21st Avenue, Paterson, New Jersey 07509. *Pratt Na Weed Killer Non-Selective.* Active Ingredients: 2-methoxy-4, 6-bis(isopropylamino)-s-triazine 3.50%; Isooctyl Ester of 2,4-dichlorophenoxyacetic Acid 1.50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 904–EEA. B. G. Pratt Division, Gabriel Chemicals Ltd., 204 21st Avenue, Paterson, New Jersey 07509. *Pratt Vegetation Killer Containing Pramitol.* Active Ingredients: 2,4-bis(isopropylamino) 6-methoxy-s-triazine 3.73%; Xylene 82.58%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3125–EOI. Chemagro Division of Baychem Corporation, P.O. Box 4913, Kansas City, Missouri 64120. *Dexon D 72% Wettable Powder (Conventional Packaging).* Active Ingredients: Sodium [4-(dimethylamino)phenyl]dia - zenesulfonate 32%; Chlorothalonil (Tetrachloroisophthalonitrile) 40%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33562–R. Consumer Economics, 129 St. Andrews Blvd., Charleston, South Carolina. *Instant Mildew Spray.* Active Ingredients: Calcium Hypochlorite 5.5%; Surfactants, Wetting Agents 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GLO. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601, *Imperial Rabon Livestock Dust*. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 407–GAE. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial Rabon Livestock & Premise Spray*. Active Ingredients: 2 - chloro-1-(2,4,5 - trichlorophenyl) vinyl dimethyl phosphate 50.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 407–GAG. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial 3% Ciodrin Dust*. Active Ingredients: Dimethyl Phosphate of Alpha-Methylbenzyl 3-hydroxy-cis-crotonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 23573–R. Intermountain Chemical, Inc., Box 297, Marsing, Idaho 83639. *Crop King Parathion 4–E*. Active Ingredients: Parathion (0,0-diethyl 0-p-nitrophenyl thiophosphate) 46.4%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 23573–E. Intermountain Chemicals, Inc., DBA Crop King Chemical, Box 297, Marsing, Idaho 83639. *Crop King Malathion 5–E*. Active Ingredients: Malathion (0, 0-dimethyl dithiophosphate of diethyl mercap(osuccinate) 56.5%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 25028–E. Porter Paint Co., P.O. Box 1439, Louisville, Kentucky 40201. *Chlorinated Rubber Antifouling Paint*. Active Ingredients: tributyltin fluoride 14.16%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7152–ER. Seaboard Industries, 185 Van Winkle Avenue, Hawthorne, New Jersey 07507. *Seaboard Stabilized Chlorine Granular*. Active Ingredients Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: January 25, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–2652 Filed 2–1–74;8:45 am]

TEXAS TRANSPORTATION CONTROL PLAN

Notice of Availability of Technical Documents

The Background and Support Document for Texas Photochemical Oxidant Control Strategy, referenced in the November 6, 1973, FEDERAL REGISTER (38 FR 30633), is now available for general public inspection at the Region VI EPA Office in Dallas, Texas and at the EPA Houston Facility, and at the Freedom of Information Center, EPA, Washington, D.C.

Although the material in this document had been available to the Administrator prior to the November 6 decision, it had not been prepared in final typed form which could be reproduced for the general public at that time. This task has now been completed, and the document may be inspected during normal business hours at EPA Region VI Office, Suite 1100, 1600 Patterson Street, Dallas, Texas; EPA Houston Facility, 6608 Hornwood Drive, Houston, Texas, and the Freedom of Information Center, Room 232 West Tower, 401 M Street SW., Washington, D.C.

Since the development and implementation of adequate controls to reduce hydrocarbons is a continuing process and the Agency desires to have the most up-to-date information possible in the event that revisions prove necessary or appropriate, public comment is specifically invited on the material presented in this document for a period of thirty days. Comments should be addressed to the Regional Administrator, EPA, Attention: Regional Counsel, Suite 1100, 1600 Patterson Street, Dallas, Texas 75201.

Dated: January 30, 1974.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

[FR Doc.74–2806 Filed 2–1–74;8:45 am]

FEDERAL MARITIME COMMISSION

CUNARD LINE LIMITED

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–65 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1,061.

Whereas, Cunard Line Limited (555 Fifth Avenue, New York, New York, 10017) has ceased to operate the passenger vessels Carmania and Franconia; and

Whereas, Cunard Line Limited has returned Certificate (Performance) No. P–65 and Certificate (Casualty) No. C–1,061 covering only the Carmania and Franconia for revocation.

It is ordered, That Certificate (Performance) No. P–65 and Certificate (Casualty) No. C–1,061 applying only to the Carmania and Franconia be and are hereby revoked effective January 28, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on Cunard Line Limited.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–2843 Filed 2–1–74;8:45 am]

LYKES BROS. STEAMSHIP CO., INC., ET AL.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before February 25, 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.

LYKES BROS. STEAMSHIP CO., INC. AND BALTIC SHIPPING CO.

Notice of Agreement Filed by:

R. J. Finnan, Rate Analyst
Lykes Bros. Steamship Co., Inc.
821 Gravier Street
New Orleans, Louisiana 70150

Agreement No. 10113 is a non-exclusive transshipment agreement between Lykes Bros. Steamship Co., Inc. and Baltic Shipping Company covering the transportation of Soviet goods under through bills of lading from Lykes' ports of call in the Apalachicola/Brownsville range to the Soviet Baltic ports of call of Baltic Shipping Co. with transshipment at Bremerhaven, Bremen, Hamburg, Rotterdam and Antwerp.

Dated: January 30, 1974.

BALTIC SHIPPING CO. AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed by:

R. J. Finnan, Rate Analyst
Lykes Bros. Steamship Co., Inc.
821 Gravier Street
New Orleans, Louisiana 70150

Agreement No. 10112 is a non-exclusive transshipment agreement between Baltic Shipping Co. and Lykes Bros. Steamship Co., Inc. covering the transportation of Soviet goods under through bills of lading from the Soviet Baltic ports of call of Baltic Shipping Co. to Lykes' ports of call in the Apalachicola/Brownsville range with transshipment at Bremerhaven, Bremen, Hamburg, Rotterdam and Antwerp.

Dated: January 30, 1974.

LYKES BROS. STEAMSHIP CO., INC. AND BLACK SEA SHIPPING CO.

Notice of Agreement Filed by:

R. J. Finnan, Rate Analyst
Lykes Bros. Steamship Co., Inc.
821 Gravier Street
New Orleans, Louisiana 70150

Agreement No. 10115 is a non-exclusive transshipment agreement between Lykes

Bros. Steamship Co., Inc. and Black Sea Shipping Co. covering the transportation of Soviet goods under through bills of lading from Lykes's ports of call in the Apalachicola/Brownsville range to Black Sea Shipping Co.'s ports of call, i.e., Constanza, Burgas, Varna, Odessa and Zhdanov with transshipment at Genoa, Leghorn and Istanbul.

Dated: January 30, 1974.

BLACK SEA SHIPPING CO. AND LYKES BROS. STEAMSHIP CO., INC.

Notice of Agreement Filed by:

R. J. Finnan, Rate Analyst
Lykes Bros. Steamship Co., Inc.
821 Gravier Street
New Orleans, Louisiana 70150.

Agreement No. 10114 is a non-exclusive transshipment agreement between Black Sea Shipping Co. and Lykes Bros. Steamship Co., Inc. covering the transportation of Soviet goods under through bills of lading from Black Sea Shipping Co.'s ports of call, i.e., Constanza, Burgas, Varna, Odessa and Zhdanov to Lykes' ports of call in the Apalachicola/Brownsville range with transshipment at Genoa, Leghorn and Istanbul.

By order of the Federal Maritime Commission.

Dated: January 30, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-2844 Filed 2-1-74;8:45 am]

NEW YORK FREIGHT BUREAU (HONG KONG) ET AL.

Notice of Agreements Filed

Correction

In FR Doc. 74-2337, appearing at page 3715 in the issue for Tuesday, January 29, 1974, in Agreement No. 10110, appearing in the middle column of this page, "Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic & Gulf Freight Conference" should be inserted above the text of the agreement.

[Docket No. 72-48]

PACIFIC MARITIME ASSOCIATION—COOPERATIVE WORKING ARRANGEMENTS

Second Supplemental Order Consolidating Jurisdictional Issues

This proceeding was instituted by Order of Investigation served September 6, 1972, to determine whether a master collective bargaining contract and a Supplemental Memorandum of Understanding No. 4, entered into by the Pacific Maritime Association (PMA) and the International Longshoremen's and Warehousemen's Union (ILWU), embody any agreements between and among the members of PMA, which agreements are subject to the requirements of section 15 of the Shipping Act, 1916 (the Act); whether the implementation of these contracts by PMA and the ILWU will result in any practices which are violative of sections 16 and 17 of the Act; and finally whether there are any labor policy considerations which would operate to exempt such agreements or practices from any provision of the aforementioned sections of the Shipping Act, 1916.

The Commission's investigation was initiated at the request of several northwest ports,[1] who maintain that the subject agreement, providing for the employment of longshore labor, are "agreements" within the meaning of section 15 of the Act, which should have been filed for Commission approval pursuant to that section.

On October 19, 1972, in response to a petition filed by Hearing Counsel, we issued our First Supplemental Order Severing Jurisdictional Issues. In that order we agreed to decide separately the issue of the Commission's jurisdiction under section 15 over the subject agreements. Additionally, we agreed to consider whether any labor policy considerations would operate to exempt these agreements or the practices resulting from them from the provisions of sections 15, 16 and 17 of the Act.

Petitioner ports have now submitted a revised version of the Supplemental Memorandum of Understanding No. 4 entitled "ILWU-PMA Nonmember Participation Agreement" which, during the pendency of this proceeding, was made part of the master collective bargaining contract.

Upon a comparative reading of the "ILWU-PMA Nonmember Participation Agreement" we find that this revised version is the same in all its substantive essentials as the Supplemental Memorandum of Understanding No. 4, the only difference between the two being that this revised agreement is embodied in the master collective bargaining agreement between PMA and ILWU. The Commission proposes to (1) grant the supplemental petition; and (2) include the "ILWU-PMA Nonmember Participation Agreement" in the current deliberations rising out of the First Supplemental Order.

However, the Commission desires that all interested parties be afforded the opportunity to show cause why the Commission should not proceed with its jurisdictional determinations.

Therefore, it is ordered, That the first ordering paragraph of the Commission's First Supplemental Order, served October 19, 1972 [and which amended the first opening paragraph of the Commission's Order of September 6, 1972], be amended as follows:

1. Whether the master collective bargaining contract entered into by PMA and ILWU embodies any agreements between and among the members of PMA, which agreements are subject to the requirements of section 15 of the Shipping Act, 1916 (46 U.S.C. 814), and should be filed for approval under that section, or whether such agreements otherwise exist; and whether the master collective bargaining contract is itself an agreement subject to the requirements of section 15 and should be filed for approval;

* * * * *

4. Whether any labor policy considerations would operate to exempt the master collective bargaining agreement contract and/or any agreements embodied therein from any provisions of section 15 of the Act.

* * * * *

It is further ordered, That pursuant to section 22 of the Shipping Act, 1916 (46 U.S.C. 821), the first and fourth issues set forth in the first ordering paragraph of the amended First Supplemental Order of October 19, 1972, relating to application of section 15 to the subject agreement and operation of labor policy exemptions, be severed from the proceeding for expeditious determination by the Commission; and

It is further ordered, That there appearing to be no material issues of fact in dispute with regard to the purely jurisdictional issues arising under section 15, this phase of the proceeding shall be limited to the submission of affidavits and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issue in this phase of the proceeding, and why such proof cannot be submitted through affidavit.

Requests for hearing shall be filed on or before February 22, 1974. Simultaneous affidavits of fact and memoranda of law shall be filed by all parties no later than the close of business February 22, 1974. Reply affidavits and memoranda shall be filed by all parties no later than the close of business March 4, 1974. An original and 15 copies of affidavits of fact, memoranda, and replies are required to be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573. Copies of any papers filed with the Secretary should also be served upon all parties hereto. Time and date of oral argument, if requested and/or deemed necessary by the Commission, will be announced at a later date; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon Petitioners and both the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their respective members; and

It is further ordered, That notice of this order and notice of hearing be mailed directly to the Department of Justice, the Department of Labor and the National Labor Relations Board; and

It is further ordered, That all future notices issued by or on behalf of the Commission with regard to this phase of the proceeding shall be mailed to

[1] The Ports of Anacortes, Bellingham, Everett, Grays Harbor, Olympia, Port Angeles, Portland and Tacoma.

Petitioners, the Pacific Maritime Association and the International Longshoremen's and Warehousemen's Union, individually, and on behalf of their members, and any other person made a party hereof; and

It is further ordered, That any person other than those who are parties to Docket No. 72–48 who desires to become a party to this proceeding and participate herein, shall file a petition to intervene in accordance with rule 5(1), 46 CFR 502.72, of the Commission's rules of practice and procedure; and

It is further ordered, That the proceedings before the Presiding Administrative Law Judge be stayed pending determination of the severed issues by the Commission.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74–2845 Filed 2–1–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73–98]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Filing of Service Agreements

JANUARY 25, 1974.

Take notice that on December 21, 1973, Algonquin Gas Transmission Company (Algonquin) tendered for filing 16 service agreements for service under Rate Schedule SNG–1.

Algonquin states that it has previously filed initial service agreements for service under its Rate Schedule SNG–1 which service agreements covered only a part of the potential output of the synthetic gas plant located near Freetown, Massachusetts. Algonquin further states that at meetings with all of its customers, it offered the remaining volume of synthetic gas not contracted for, and the 16 service agreements now being filed reflect the purchase by its customers of such remaining synthetic gas, representing agreement among such customers as to the distribution of the gas to be made available by the SNG plant.

Algonquin asserts that this disposition of the quantities of gas made available by the SNG plant is consistent with the authorizations contained in Opinion Nos. 637 and 637–A of the Commission.

Algonquin requests that the Commission permit such 16 service agreements to become effective as of December 8, 1973.

Algonquin states that copies of the filing have been mailed to all of its Sale for Resale customers.

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 6, 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.74–2786 Filed 2–1–74;8:45 am]

[Docket No. RP72–110]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

JANUARY 25, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on January 4, 1974, tendered for filing Fifth Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), effective February 1, 1974, as a result of a rate increase filed by Texas Eastern on December 14, 1973, in Docket No. RP72–98.

The proposed effective date of the Revised Tariff Sheet is February 1, 1974, the effective date of Texas Eastern's rate increase.

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 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.74–2788 Filed 2–1–74;8:45 am]

[Docket No. E–8594]

AMERICAN PUBLIC POWER ASSN.

Filing of Motion To Raise the Refund Interest Rate

JANUARY 28, 1974.

Take notice that on January 10, 1974, the American Public Power Association (APPA), the Ohio Municipal Electric Association (PMEA) and the Indiana Municipal Electric Association (IMEA) filed a motion requesting that the Commission change the interest rate on refunds from 7 percent to 10.5 percent. In support of their motion, these associations state that increases in the prime interest rate and comparable increases in short-term interest rates over the recent past, together with other allegations, justify the requested increase.

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 7, 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.74–2827 Filed 2–1–74;8:45 am]

[Docket No. CI74–366]

ANADARKO PRODUCTION CO.

Notice of Application

JANUARY 22, 1974.

Take notice that on January 7, 1974, Anadarko Production Co. (Applicant), P.O. Box 9317, Fort Worth, Texas 76107 filed in Docket No. CI74–366 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from acreage in Morton County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 Mcf of casinghead gas per month to Panhandle, an affiliated company, at the price of 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, for three years from the first day of the month following initial deliveries of such gas within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant indicates that this gas will be delivered to Panhandle by means of a low pressure gas gathering system, which Applicant will operate.

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). 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 interevene 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.74-2830 Filed 2-1-74;8:45 am]

[Docket No. C174-365]

CABOT CORP. (SW)

Notice of Application

JANUARY 22, 1974.

Take notice that on January 7, 1974, Cabot Corp. (SW) (Applicant), P.O. Box 1101, Pampa, Texas 79065, filed in Docket No. C174-365 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Cities Service Gas Company (Cities) from Hemphill County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced an emergency sale of natural gas to Cities from Hemphill County, Texas, on December 18, 1973, for sixty days within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale after the end of the emergency period for one year at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant estimates monthly deliveries of gas to Cities at 15,000 Mcf.

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). 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.74-2831 Filed 2-1-74;8:45 am]

[Docket No. E-8603]

DUKE POWER CO.

Notice of Filing of Supplement to Rate Schedule

JANUARY 28, 1974.

Take notice that on January 21, 1974, Duke Power Co. (Company) tendered for filing a supplement to the Company's Electric Power Contract with York Electric Cooperative, Inc. (York). This contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 146. According to Company, requisite agreement of both parties has been obtained, and a copy of the supplement has been sent to the Manager of York.

This supplement, embodied in three documents designated Exhibits A, A-1 and A-2, is to become effective on February 20, 1974.

According to the Company, the contract with the Rural Electric Cooperatives served by the Company provides for service at all delivery points plus any new delivery points to be added in the future, in one contract, by Exhibits A attached to the contract. The Company states that this contract contains an "all requirements" provision, and there is no Contract Demand at any delivery point. Exhibit A therefore shows only "designated kilowatts", "Location" and other pertinent information. The Company states that when the character of the service changes at a given Delivery Point, Exhibit A is superseded by A-1, A-2, etc.

Any person desiring to be heard or to protest said application should file a petion 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 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2828 Filed 2-1-74;8:45 am]

[Docket No. E-8604]

DUKE POWER CO.

Notice of Filing of Supplement to Rate Schedule

JANUARY 28, 1974.

Take notice that on January 21, 1974, Duke Power Co. (Company) tendered for filing a supplement to the Company's Electric Power Contract with Broad River Electric Cooperative, Inc. (Broad River). This contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 143. According to Company, requisite agreement of both parties has been obtained, and a copy of the supplement has been sent to the Manager of Broad River.

This supplement, embodied in a document designated Exhibit A-3, is to become effective on February 20, 1974.

According to the Company, the contract with the Rural Electric Cooperatives served by the Company provides for service at all delivery points plus any new delivery points to be added in the future, in one contract, by Exhibits A attached to the contract. The Company states that this contract contains an "all requirements" provision, and there is no Contract Demand at any delivery point. Exhibit A therefore shows only "designated kilowatts", "location" and other pertinent information. The Company states that when the character of the service changes at a given Delivery Point, Exhibit A is superseded by A-1, A-2, etc.

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. 20425, 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 18, 1974. Protests will be considered by the Commission in

determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2833 Filed 2-1-74;8:45 am]

[Docket No. E-8605]

DUKE POWER CO.

Notice of Filing of Supplement to Rate Schedule

JANUARY 28, 1974.

Take notice that on January 21, 1974, Duke Power Co. (Company) tendered for filing a supplement to the Company's Electric Power Contract with the Town of Maiden, North Carolina. This contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC No. 246. According to Company, requisite agreement of both parties has been obtained, and a copy of the supplement has been mailed to the Town Manager of Maiden.

This supplement, embodied in a document designated Exhibit A-1, is to become effective on February 20, 1974.

According to the Company, the contract with the Rural Electric Cooperatives served by the Company provides for service at all delivery points plus any new delivery points to be added in the future, in one contract, by Exhibits A attached to the contract. The Company states that this contract contains an "all requirements" provision, and there is no Contract Demand at any delivery point. Exhibit A therefore shows only "designated kilowatts", "location" and other pertinent information. The Company states that when the character of the service changes at a given Delivery Point, Exhibit A is superseded by A-1, A-2, etc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2829 Filed 2-1-74;8:45 am]

[Docket No. E-8172]

KENTUCKY UTILITIES CO.

Notice of Filing Settlement Agreement

JANUARY 25, 1974.

On January 17, 1974, Kentucky Utilities Company (KU) tendered for filing an executed settlement agreement dated January 17, 1974, between KU and the City of Paris (Paris) in the captioned docket.

KU states that Paris has a different power supply relationship with KU than KU's other wholesale for resale customers and wishes "to withdraw" as a party to Docket No. E-8172 provided the settlement agreement is accepted by the Commission.

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 an 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 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.74-2779 Filed 2-1-74;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

JANUARY 25, 1974.

Take notice that on December 26, 1973, Mississippi River Transmission Corporation (Mississippi), tendered for filing Sixteenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective February 1, 1974.

Mississippi states that the instant filing is made pursuant to Section 17 (PGA Clause) to the General Terms and Conditions of its FPC Gas Tariff in order to reflect rate changes of two of its pipeline suppliers, Trunkline Gas Company (Trunkline), and Natural Gas Pipeline Company of America (Natural). Mississippi states that Trunkline's rate change was made under the terms of Article V of a Stipulation and Agreement in Docket No. RP72-23 et al. to track increases in advance payments, and Section 18 of the General Terms and Conditions of Trunkline's FPC Gas Tariff, which provides for rate changes reflecting increases in purchased gas costs. Further, Mississippi states that Natural's filing was made pursuant to Natural's PGA Clause in order to reflect increased cost of gas from Natural's pipeline suppliers. Mississippi requests that its filing be made effective February 1, 1974, the same date on which Trunkline's increased rates applicable to Mississippi are to become effective.

Copies of the filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission 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 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 unless such petition has previously been filed. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary

[FR Doc.74-2785 Filed 2-1-74;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JANUARY 25, 1974.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. *Membership.* An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Russell W. Peterson, Chairman, Council on Environmental Quality.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2783 Filed 2-1-74;8:45 am]

NATIONAL POWER SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating Additional Member

JANUARY 25, 1974.

The Federal Power Commission, by order issued August 11, 1972, established the Executive Advisory Committee of the National Power Survey.

2. Membership. An additional member of the Executive Advisory Committee, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

William E. Simon, Administrator, Federal Energy Office.

By the Commission.

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

[FR Doc.74-2784 Filed 2-1-74;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Further Extension and Postponement of Hearing

JANUARY 28, 1974.

On January 18, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued January 11, 1974, in the above-designated matter. The motion states that all parties agree to the proposed dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Intervener Evidence and Supplemental Evidence by Staff and Company on rate design and Staff's evidence on coal options, February 15, 1974.

Service of Rebuttal Evidence by all Parties on Rate Design and Rebuttal evidence of Company and Interveners to Staff's Depreciation Evidence, March 1, 1974.

Hearing, March 12, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-2832 Filed 2-1-74;8:45 am]

[Docket No. E-8591]

OHIO POWER CO. ET AL.

Notice of Changes in Rates and Charges

JANUARY 25, 1974.

American Electric Power Service Corporation (AEP) on January 10, 1974, tendered three documents for filing on behalf of its affiliates: (1) On behalf of Ohio Power Company (Ohio), Modification No. 3 dated December 1, 1973 to the Facilities and Operating Agreement dated May 1, 1967 between Ohio and The Dayton Power and Light Company (Dayton), designated Ohio's Rate Schedule FPC No. 36; (2) on behalf of Ohio, Modification No. 6 dated December 15, 1973 to the Interconnection Agreement dated December 1, 1963, between Ohio and Columbus and Southern Ohio Electric Company (Columbus), designated Ohio's Rate Schedule FPC No. 32; and (3) on behalf of Indiana & Michigan Electric Company (Indiana) Amendment No. 6 dated December 1, 1973 to Operating Agreement among Indiana, Consumers Power Company (Consumers) and The Detroit Edison Company (Detroit) dated March 1, 1966, designated I&ME Rate Schedule FPC No. 68.

Section 3, section 1, and section 1 in the documents tendered for filing, respectively provide for a new service—Fuel Conservation Power and Energy—in Schedules I, G and G of the documents, respectively. In support of the new service schedules, the Applicants state that the terms and conditions are substantially the same as those filed with the Commission on December 12, 1973, by AEP on behalf of Appalachian Power Company and other affiliates (Docket No. E-8550). Applicants request waiver of any requirements not already complied with under § 35.12 of the Commission's Regulations under the Federal Power Act and that Schedules I, G, and G be permitted to become effective "as of this week."

In addition to adding the new schedule referred to above, Modification No. 3 between Ohio and Dayton, in section 1, increases the Demand Charge for Short Term Power from $0.40 to $0.45 per kilowatt per week and in section 2 increases the Demand Charge for Limited Term Power from $2.15 to $2.50 per kilowatt per month. Applicant states that the terms and conditions of these services are substantially the same as those filed December 12, 1973, by Appalachian Power, *supra*. Applicant requests waiver of any requirements not already complied with under § 35.13 of the Commission's Regulations.

(No statement of service of copies of the filing, pursuant to §§ 35.13(a) and 1.17(b) of the Regulations, and no form of notice of publication in the FEDERAL REGISTER, pursuant to § 1.19(c)(3) of the Commission's Rules of Practice and Procedure, were included in AEP's filing.)

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-2781 Filed 2-1-74;8:45 am]

[Docket No. CI74-264]

PENNZOIL CO.

Order Granting Intervention and Setting Hearing

JANUARY 25, 1974.

Pennzoil Company (Pennzoil) filed on October 18, 1973, an application pursuant to sections 4 and 7 of the Natural Gas Act,[1] and § 2.75[2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455,[3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipeline Company (Panhandle) from previously dedicated acreage in Hemphill County, Texas, the Hugoton-Anadarko Area, at an initial rate of 50 cents per Mcf, with 1.0 cent per Mcf annual escalation, Btu adjustment, and tax reimbursement for any additional taxes assessed after the contract date of April 30, 1971, as amended August 6, 1973, and designated as Pennzoil's FPC Gas Rate Schedule No. 32. This contract contains an FPC Area Rate clause, but Pennzoil has agreed to waive this clause if a certificate is issued as requested in this proceeding.

The April 30, 1971, contract covered the sale of gas well gas from the subject acreage with an initial rate of 26.0 cents per Mcf and a 1.0 cent per Mcf escalation every five years. Panhandle was given an option to purchase any casinghead gas. A temporary certificate was issued on April 5, 1972, for this sale in Docket No. CI72-553 and deliveries commenced on April 21, 1972, at the area rate of 20.5 cents per Mcf. By agreement dated April 24, 1972, the base contract was amended to include the production of casinghead gas from one specified well, a temporary certificate for which was issued June 9, 1972, conditioned to a price of 19.0 cents per Mcf, which was the applicable area rate for casinghead gas. Deliveries of the casinghead gas began June 16, 1972.

The latest and current amendment of the 1971 contract provides for Pennzoil to commence drilling of a well on the dedicated acreage no later than September 1, 1973. It is unclear from the application whether this condition has been complied with or not. Other provisions of the August 6, 1973, amendment exempt approximatley 29 of 31 blocks originally dedicated to the 1971 contract from the rate provided for in that agreement, applying the new 50 cents per Mcf to all gas produced from those blocks. The two remaining blocks are still subject to the price levels of the original contract.

The American Public Gas Associated filed a timely petition to intervene in opposition to the application. Panhandle's petition to intervene in support of the application was filed late, but good cause has been shown under Section 1.8(d) of the Commission's Rules of Practice and Procedure why its untimely petition to intervene should be granted.

We find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by permitting the amendment providing for these sales, and whether

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[1] 15 U.S.C. § 717, *et seq.* (1970).

[2] 18 C.F.R. § 2.75.

[3] *Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas*, Docket No. R-441, ---- F.P.C. ---- (issued August 3, 1972), appeal pending *sub. nom. John E. Moss, et al. v. F.P.C.*, No. 72-1837 (D.C. Cir.).

the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the § 2.75 procedures; that matter is now before the Court of Appeals, See n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under § 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Panhandle's need for the additional natural gas supplies that will be available to it as a result of these purchases.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act 18 C.F.R., Chapter I), Docket No. CI74–264 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on March 14, 1974, at 10:00 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Pennzoil and any intervenor supporting the application shall file their direct testimony and evidence on or before February 8, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before February 22, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before March 8, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(G) The above named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* that the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The Administrative Law Judge's decision shall be rendered on or before April 19, 1974. All briefs on exceptions shall be due on or before April 26, 1974, and replies thereto shall be due on or before March 5, 1974.

(I) The amendment between Pennzoil and Panhandle dated August 6, 1973, is accepted for filing effective as of the date of initial delivery or the date of authorization whichever is later and designated as Supplement No. 4 to Pennzoil Company F.P.C. Gas Rate Schedule No. 32.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2774 Filed 2–1–74;8:45 am]

[Docket No. E–8590]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Application

JANUARY 25, 1974.

Take notice that on January 10, 1974, Southwestern Electric Power Company (Applicant) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, a Sales Agreement dated May 25, 1973 with Arkansas Power and Light Company (AP&L), pursuant to which AP&L will purchase 100mw of capacity without reserves from Applicant's Knox Lee Unit No. 5 from March 1, 1974 through May 31, 1975, for $1.35 per kilowatt per month. The energy charge represents the average fuel cost of Knox Lee Unit No. 5 multiplied by the average heat rate therefor, plus 0.25 mills per Kwh.

Service shall remain continuously available to AP&L, subject to a maximum load factor of 65%, except for breakdown of Unit No. 5, scheduled repair, maintenance or inspection thereof, or interruption of normal fuel supply and inability to obtain oil. Applicant intends this sale to reduce its excess reserves, and AP&L hopes to purchase capacity to help meet its load requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 20, 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 protestants parties to the 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2780 Filed 2–1–74;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Meeting and Agenda

For a Meeting of the Technical Advisory Committee on Power Supply to be held at the Federal Power Commission Offices, 825 North Capitol St. NE., Washington, D.C., 9:00 a.m., February 15, 1974, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   a. Correction and additions to minutes of previous meeting.
   b. Discussion of the draft of the Committee Report dated December 1973.
   c. Discussion of installed reserve policy as it may be affected by fuel shortages and reduced demand.
   d. Discussion of how the use of coal and uranium for electric power production could be maximized—consistent with the public interest.
   e. Other business.
   f. Set date for next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–2772 Filed 2–1–74;8:45 am]

[Docket No. RP74–24]

TENNESSEE GAS PIPELINE CO.

Order Granting in Part a Request for Rehearing and Reconsideration and Amending Previous Order

JANUARY 25, 1974.

On September 28, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) filed eleven tariff sheets[1] as proposed changes in its FPC

[4] *Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates,* Opinion No. 659, *Belco Petroleum Corporation, Agent, et al.,* Docket Nos. CI73–293, *et al.,* — F.P.C. — (issued May 30, 1973), slip op. at para. 21, p. 5.

[1] Commissioner Moody, concurring, filed as part of the original document.

[1] Original Sheet Nos. 213E, 213F, 213G, 213H, 213I, 213J, and 213K, First Revised Sheet Nos. 12A, 12B, 209 and 213D.

Gas Tariff Ninth Revised Volume No. 1. The revised tariff sheets set forth a proposed curtailment plan and were filed pursuant to Commission Order No. 431 in Docket No. R–418. On November 26, 1973, we issued an order which amended a previous order issued on October 30, 1973. The November 26, 1973 order vacated a one day suspension of Tennessee's tariff sheets. By order issued on December 7, 1973, we granted a request for formal hearing on issues raised by a complaint of Columbia Gas Transmission Corporation (Columbia) to determine, inter alia, whether the curtailment by Tennessee due to its alleged lack of capacity would be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful under the Natural Gas Act.

On December 27, 1973, the American Die Casting Institute (ADCI) filed an Application for Rehearing and Reconsideration of our November 26, 1973, and our December 7, 1973 orders. Among other things, ADCI states:

"* * * When the Commission issued these [Commission's Policy Statement in Docket No. R–469 and Order No. 467–B] energy statements during the Winter of 1973, other fuels had not been placed under national allocation rules, and the "energy crisis" allocation policies had not been made in either federal orders or national statutes. During the months following the Winter of 1973, and culminating with the Order issued by the Federal Energy Office, December 13, 1973 (Federal Register, Vol. 38, No. 239, Section III) the necessity for protection of industrial capacity has been given growing priority in the need to maintain national security and economic stability." [2]

ADCI accurately points out that we have continually stated the need for flexibility in dealing with shortages or emergencies resulting from 467–B curtailment plans and states that a full hearing and a complete record which examines every aspect of gas allocation under Tennessee's plan "from economics, to usage policy, to the domino theory of plant closings, and to energy conservation capability" is necessary.

We will deny rehearing and reconsideration of our November 26, 1973 order since we still find the curtailment plan's deviations from our Order 467–B to be minor and believe that certainty for pipeline and customer planning is necessary. However, in light of the arguments made by ADCI in its application, we will reconsider our action taken in the December 7, 1973 order.

Upon reconsideration, we find that the hearing convened by us on January 15, 1974, under section 5(a) of the Natural Gas Act should be expanded to determine, inter alia, what effect Tennessee's implementation of its curtailment plan due to lack of capacity, or otherwise, will have on its customers and their customers and whether modifications should be made in Tennessee's curtailment plan and/or its implementation.

The Commission orders:

(A) Rehearing and reconsideration of our November 26, 1973 order is denied.

(B) Our order of December 7, 1973, in this docket is hereby amended to allow for evidence to determine, inter alia, what effect Tennessee's implementation of its curtailment plan due to lack of capacity, or otherwise, will have on its customers and their customers and if modifications in the plan and/or its implementation should be made. The Presiding Administrative Law Judge in this proceeding shall set appropriate procedural dates, if necessary, to accomplish the above.

(C) In all other respects our order of December 7, 1973, remains in full force and effect.

By the Commission.

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

[FR Doc.74–2787 Filed 2–1–74;8:45 am]

[2] On January 14, 1974, the Federal Energy Office adopted regulations establishing procedures for proceedings before it relating to petroleum allocation and price stabilization matters. In those regulations, an adjustment to the allocation program may be sought where, inter alia, the end-user has been denied access to a natural gas supply "* * * as a consequence of curtailment by, or pursuant to a plan filed in compliance with a rule or order of a Federal or State agency * * *" (10 CFR § 211.13(k); 39 FR 1934).

[Docket No. CI74–301]

TENNECO OIL CO.

Order Granting Interventions and Setting Date for Hearing

JANUARY 25, 1974.

On November 9, 1973, Tenneco Oil Company (Tenneco) filed an application pursuant to section 7(c) of the Natural Gas Act,[1] and § 2.75 [2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Order No. 455 [3] (hereinafter § 2.75) for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a division of Tenneco, Inc., from Eugene Island Black 215, offshore Louisiana.

Tenneco requests an initial rate of 50 cents per Mcf with 2.0 cents per Mcf annual escalations, upward and downward Btu adjustment, and reimbursement of 100 percent of all taxes in excess of those in effect as of the contract date of October 30, 1973. This contract contains an FPC Area Rate clause, but Tenneco avers that if a certificate is issued, this clause will be waived.

A notice of intervention and request for hearing was filed by the Public Service Commission of the State of New York. Timely interventions were also filed by Associated Gas Distributors and the American Public Gas Association.

We find a hearing is necessary to determine whether the present and future public convenience and necessity will be served by certificating these sales, and whether the proposed rate is just and reasonable, taking into consideration all factors bearing on maintenance of an adequate and reliable supply of gas, delivered at the lowest reasonable cost.[4]

This hearing is not the proper forum for the relitigation of the propriety of the Section 2.75 procedures; that matter is now before the Court of Appeals, see n. 3, *supra*. This hearing will be addressed solely to the issues of public convenience and necessity, and the justness and reasonableness of the particular sales and rates herein proposed.

Those parties and intervenors desiring to submit cost and non-cost data should structure their evidence to reflect the tests under Section 2.75 for determining the justness and reasonableness of the rate sought.

No intervenor has questioned Tennessee's need for the additional natural gas supplies that will be available to it as a result of these purchases.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceedings be set for hearing.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in this proceeding.

The Commission finds:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14, and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. CI74–301 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on April 23, 1974, 10 a.m. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(D) Tenneco and any intervenor supporting the application shall file their direct testimony and evidence on or before March 15, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to these proceedings.

(E) The Commission Staff, and any intervenor opposing the applications, shall file their direct testimony and evidence on or before April 5, 1974. All testimony

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[1] 15 U.S.C. § 717, *et seq.* (1970).

[2] 18 C.F.R. § 2.75.

[3] *Statement of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas*, Docket No. R–441, 48 F.P.C. 218 (issued August 3, 1972), appeal pending *sub nom. John E. Moss, et al.* v. *F.P.C.* No. 72–1837 (D.C. Cir.).

[4] *Opinion And Order Issuing Certificate Of Public Convenience And Necessity And Determining Just And Reasonable Rates*, Opinion No. 659, *Belco Petroleum Corporation, Agent, et al.*, Docket Nos. CI73–293, *et al.* 49 F.P.C. —— (issued May 30, 1973), slip opinion at para 21, p. 5.

and evidence shall be served upon the Presiding Judge, and all other parties.

(F) All rebuttal testimony and evidence shall be served on or before April 12, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceedings.

(G) The above named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *provided, further,* That the admission of such interests shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(H) The Administrative Law Judge's decision shall be rendered on or before May 24, 1974. All briefs on exceptions shall be due on or before June 12, 1974, and replies thereto shall be due on or before June 28, 1974.

(I) The contract between Tenneco and Tennessee dated October 30, 1973, is accepted for filing effective as of the date of initial delivery and designated as Tenneco Oil Company F.P.C. Gas Rate Schedule No. 288.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-2773 Filed 2-1-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Order Approving Acquisition of Midwest Econometrics

BancOhio Corporation, Columbus, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire 80.6 percent of the voting shares of Midwest Econometrics, Inc., Columbus, Ohio ("Midwest"), a company that engages in the activities of providing economic consulting and economic forecasting services. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(5)(iv)).

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.

Applicant the second largest bank holding company in Ohio, controls 39 banks with aggregate deposits of $2.3 billion, representing approximately 8.7 percent of total deposits in commercial banks in the State.[1] Applicant also has three wholly-owned nonbanking subsidiaries. These subsidiaries are engaged in holding property for subsidiary banks' premises, leasing equipment, and furnishing certain forms and supplies solely for Applicant and its subsidiaries, all of which activities have been determined permissible for bank holding companies.

Midwest is essentially a small one-man firm, which provides economic consulting and economic forecasting services. Recently organized, Midwest has been primarily engaged in providing economic consulting services for agencies of the State of Ohio and a nonprofit trust research institution.

Neither Applicant nor any of its subsidiaries engage in providing such economic consulting or forecasting activities nor does it appear to have the expertise to do so on a denovo basis. Thus the Board concludes that consummation of the proposed acquisition would have no adverse effects on existing or potential competition. Nor is there any evidence in the record indicating that Midwest's acquisition by Applicant would lead to an undue concentration of resources, conflicts of interest, or unsound banking practices. Furthermore, due to the relative ease of entry into the field of economic consulting and forecasting, approval of this application would not appear to inhabit the development of new competitors to the area. On the other hand, affiliation of Midwest with Applicant should produce public benefits by providing Midwest with additional capital and thus permitting expansion of its services for those governmental agencies and public and private organizations utilizing such services.

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 section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland.

By order of the Board of Governors,[2] effective January 25, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-2758 Filed 2-1-74;8:45 am]

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, 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 90 percent or more of the voting shares of Blue Springs Bank, Blue Springs, Missouri. 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 Kansas City. 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 21, 1974.

Board of Governors of the Federal Reserve System, January 25, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2753 Filed 2-1-74;8:45 am]

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Cowart Finance Center, Inc.

First Pennsylvania Corporation, Philadelphia, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire through purchase the notes receivable and fixed assets of Cowart Finance Center, Inc., Opelousas, Louisiana ("Cowart"). The proposed acquisition would be made by Applicant's wholly-owned subsidiary, Industrial Finance and Thrift Corporation, New Orleans, Louisiana ("Industrial"), through the latter's wholly-owned subsidiary, Termplan Caddo, Inc., Shreveport, Louisiana. Cowart engages in the consumer finance business and also sells credit life and disability insurance directly related to such consumer credit. Applicant proposes to expand the insurance activities of Cowart to include the sale of property insurance to protect collateral in which the company has a security interest as a result of extensions of consumer credit. Applicant further proposes that Cowart

[1] Commissioner Moody, concurring, filed as part of original document.

[1] All banking data are as of June 30, 1973, and represent all bank holding company formations and acquisitions approved by the Board through December 10, 1973.

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

will in the future make loans secured by second mortgages. The above described activities have been determined by the Board to be closely related to banking or managing or controlling banks (12 CFR 225.4(a)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the Act.

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 34027 and 39 FR 1897). The time for filing comments and views has expired and none has been timely received.

Applicant, a one-bank holding company, controls The First Pennsylvania Banking and Trust Company, Bala-Cynwyd, Pennsylvania ("Bank"), the second largest bank in Pennsylvania with deposits of $2.8 billion,[1] which represents 7.5 percent of aggregate commercial bank deposits in Pennsylvania.[2] Applicant's nonbanking subsidiaries engage in mortgage banking, investment and management services for a real estate investment trust and others, personal property and equipment leasing, data processing services, consumer finance activities, and the sale of insurance directly related to loans.

Cowart, with total notes receivable of $354,306 and property and equipment with book value of $2,240, engages in the consumer finance (small loans) business and the sale of credit life and disability insurance directly related to the extension of such consumer credit at its only office in Opelousas, Louisiana. Applicant's subsidiary, Industrial, engages in the consumer finance business and the sale of insurance related thereto through 142 offices, 13 of which are located in Louisiana. The closest of these offices to Opelousas is located 50 miles west in Baton Rouge, and none of Industrial's present offices operates within or derives any business from the service area of Cowart. The area served by Cowart is approximated by St. Landry Parish and the northeastern corner of Acadia Parish. Competitors in this market area include nine commercial banks and 12 consumer finance companies, which include three of the 10 largest consumer finance companies in the United States. Cowart controls no more than 4.2 percent of the consumer finance business within the relevant market. The population of the area served by Cowart is about 36,000, and it appears unlikely that Applicant would enter the area de novo if the present proposal were denied in view of the number of established competitors and the fact that the market is not attractive for such entry. On the basis of the facts of record, the elimination of existing or potential competition resulting from this proposal appears minimal, and the Board regards the competitive considerations as being consistent with approval of the application.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. However, the affiliation of Cowart with Applicant would result in benefits to the borrowing public by increasing the amount of financial resources available to Cowart as well as increasing the efficiencies of its operations. Furthermore, Cowart would be better able to compete with other consumer finance companies and banks for personal loans.

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 § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia.

By order of the Board of Governors,[3] January 25, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[1] Excludes foreign deposits of $624 million (September 30, 1973).

[2] All financial data are as of June 30, 1973, unless otherwise indicated.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Daane.

[FR Doc.74-2757 Filed 2-1-74;8:45 am]

FIRST VIRGINIA BANKSHARES

Acquisition of Bank

First Virginia Bankshares, Falls Church, 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 all of the voting shares of First Guaranty Bank, Hurt, Virginia, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than February 24, 1974.

Board of Governors of the Federal Reserve System, January 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2755 Filed 2-1-74;8:45 am]

LANDMARK BANKING CORP. OF FLORIDA

Acquisition of Bank

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of Seminole, Seminole, Florida. 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 24, 1974.

Board of Governors of the Federal Reserve System, January 28, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-2756 Filed 2-1-74;8:45 am]

NORTHERN STATES BANCORP., INC.

Order Approving Acquisition of National Bank of Rochester, Rochester, Michigan

Twin Gates Corporation, Wilmington, Delaware ("Twin Gates") and its subsidiary, Northern States Bancorporation, Inc., Detroit, Michigan ("Northern States"), both bank holding companies within the meaning of the Bank Holding Company Act, have 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 National Bank of Rochester, Rochester, Michigan ("Bank"). The applications state that the acquisition will be made directly by Northern States. The merger has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of shares of Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been received. The applications have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Northern States is presently the sixth largest banking organization in the State, with combined deposits of $777.5 million (2.97 percent of total State deposits) [1] held by its three banking subsidiaries, City National Bank of Detroit, Detroit, Michigan ("City National"); First National Bank of Lake City, Lake City, Michigan; and Bank of Lansing, Lansing, Michigan. Northern States recently acquired a nonbank subsidiary, Kelly Mortgage and Investment Company, Flint, Michigan ("Kelly Mortgage"), and received permission to acquire, but has not yet acquired, First Citizens Bank, Troy, Michigan.[2] In addition, applications are pending for the acquisition of Union National Bank and Trust Company of Marquette, Marquette, Michigan; and a de novo bank, Grand Rapids Bank-National Association, Grand Rapids, Michigan. With the acquisition of Bank (deposits $15.4 million), Northern States' share of the total State deposits would increase from 2.97 to 3.03 percent, and its deposit ranking in the State would not change.

Bank is presently a subsidiary of Twin Gates by virtue of the fact that 20 percent of Bank's voting shares are owned directly by Twin Gates, and control of an additional 13.2 percent of Bank's voting shares is attributed to Twin Gates because of the control of those shares by an indirect subsidiary (City National) of Twin Gates. Thus, subject proposal is essentially a corporate reorganization whereby pre-existing control of Bank by the Applicants would be consolidated and increased under the direct control of Northern States. In the Board's Order of August 22, 1972, approving the application by Northern States to become a bank holding company with respect to City National, the competitive aspects of the relationship between City National and Bank were considered. It was concluded in that Order that "On the basis of the facts of record, notably the close working association of the two banks, the common ownership, and the unlikelihood that the banks would become disaffiliated in the reasonably near future, * * * consummation of the proposal would not have any adverse effects on existing or potential competition."

No adverse competitive issues have arisen since that Order was issued. Bank and City National are both located in the Detroit market area, approximated by the Michigan counties of Wayne, Oakland, and Macomb. First Citizens Bank, Troy, Michigan, is also located in this market, holding less than 0.1 percent of all market deposits. (The competitive factors relating to the acquisition of that bank were viewed as favorable by this Reserve Bank in its Order of November 30, 1973.) City National ranks 6th in the market, with 4.22 percent of total commercial bank deposits, and Bank ranks 41st with 0.1 percent. The increase in Northern States' market share that would result from the present proposal, as well as from the consummation of the acquisition in Troy, Michigan, is considered inconsequential. Furthermore, although Kelly Mortgage has an office in the Detroit area, it does not appear that approval of the applications would eliminate any significant competition in mortgage product lines between Kelly Mortgage and Bank due to the large number of fiduciaries in the relevant area competing in the mortgage market and the relatively small amount of participation by both Bank and Kelly. It is concluded that competitive considerations are consistent with approval.

The financial and managerial resources of Northern States and Twin Gates are generally satisfactory and their prospects appear favorable. Northern States, as an incident to this proposal, intends to inject $750 thousand of additional equity capital into Bank. In view of the managerial and financial commitments expressed by the holding company, Bank's financial condition would be strengthened and its prospects enhanced. As a result, considerations relating to banking factors lend weight toward approval. Although there is no evidence in the record to indicate that the major banking needs of the community to be served are not currently being met, some new and improved services are to be introduced if this proposal is approved. Larger and additional types of loans will be made, and the credit needs of larger commercial and industrial customers will be met with holding company credit-line extensions. Additional services to customers with national and international financial needs will be made available with assistance from holding company affiliates. Further, Northern States will help increase Bank's efficiency by instigating new and modern techniques of budgeting and profit planning, applying new accounting techniques, and assisting with recruitment of middle management and other personnel; these improvements may lead to quicker and better service to the public. Factors of convenience and needs are consistent with and tend to add some weight toward approval of the applications.

On the basis of the record as summarized above the Federal Reserve Bank of Chicago approves the applications, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective January 18, 1974.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.74-2754 Filed 2-1-74;8:45 am]

[1] Report of condition, June 30, 1973. All banking data are as of the same date.

[2] See Order published by Federal Reserve Bank of Chicago, dated November 30, 1973, approving applications by Twin Gates and Northern States to acquire First Citizens Bank, Troy, Michigan.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-29]

SOLE SOURCE ADPE PROCUREMENTS

Revision of Dollar Limit Requiring Authority Delegation

1. *Purpose.* This regulation revises the dollar limit above which a delegation of procurement authority (DPA) is required for sole source automatic data processing equipment (ADPE) procurement from $10,000 to $50,000.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER.

3. *Expiration date.* This regulation expires June 30, 1974.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies.

5. *General.* Automatic data processing equipment, software, and maintenance services are procured in conformance with applicable regulations and the provisions of Office of Management and Budget (OMB) Circular No. A-54, dated October 14, 1961. These directives provide that ADPE procurements will not be accomplished until systems specifications are available and equal opportunity and appropriate consideration are provided to all responsible and responsive offerors capable of meeting the Government's requirements. Any procurement action which does not conform with these requirements is considered a "sole source" procurement, the basis and justification for which are to be documented in accordance with prevailing regulations governing sole source procurement by agencies of the Federal Government.

6. *Restrictions on sole source ADPE procurements.* Sole source procurement of ADPE in excess of $50,000 by either lease or purchase is permitted only after a DPA is provided by GSA. Where a sole source procurement appears to be in the best interest of the Government, agencies shall submit to GSA a request for a DPA accompanied by a statement or determination and finding justifying the requested action. The determination and finding shall be prepared under the provisions of FPMR 101-26.105(b), signed by the contracting officer, and approved by the head of the agency or his authorized designee. The determination and finding shall be accompanied by a certification of the availability of a systems specification in accordance with the provisions of OMB Circular No. A-54 or, in the absence of a systems specification, a written explanation of the basis for the selection and certification which indicates that it is in the best interest of the Government to deviate from the provisions of OMB Circular No. A-54.

7. *Distribution of sole source procurement documents.* A copy of the contract or purchase/delivery order issued against a GSA ADP Schedule contract shall be forwarded to the General Services Administration (CDPD), Washington, DC 20405, for each sole source acquisition of ADPE when the dollar value involved is

between $10,000 and $50,000. These documents shall be clearly marked "sole source procurement."

8. *Effect on other issuances.* This regulation supplements the ADPE procurement policy in FPMR 101–32.403 and 101–32.404 with respect to sole source procurement, and it cancels Temporary Regulation E–25 and Supplement 1 thereto.

ARTHUR F. SAMPSON,
Administrator of General Services.

JANUARY 28, 1974.

[FR Doc.74–2808 Filed 2–1–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BLACK 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. 4292–000, Black Coal Co., Mine No. 1, Mine ID No. 44 026990 0, Grundy, Va.

(2) ICP Docket No. 4293–000, Sun Valley Coal Co., Inc., Sun Valley Mine, Mine ID No. 42 00085 0, Salina, Utah.

(3) ICP Docket No. 4294–000, Leeco, Inc., Leeco #1 Mine, Mine ID No. 15 02175 0, Manchester, Ky.

(4) ICP Docket No. 4295–000, Flax Coal Co., Mine #17, Mine ID No. 15 04659 0, Littcarr, Ky.

(5) ICP Docket No. 4296–000, Triple L Coal Co., Mine No. 2–C, Mine ID No. 15 02608 0, Feds Creek, Ky.

(6) ICP Docket No. 4297–000, C and A Coal Co., Mine No. 48, Mine ID No. 46 03828 0, Prenter, West Va.

(7) ICP Docket No. 4298–000, Southern Mining Co., Inc., Mine No. 9–C, Mine ID No. 02472 0, Elkhorn City, Ky.

(8) ICP Docket No. 4299–000, Melvin Coal Co., Inc., Mine No. 1, Mine ID No. 15 02757 0, Melvin, Ky.

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., Public Law 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 19, 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 29, 1974.

[FR Doc.74–2750 Filed 2–1–74;8:45 am]

ROSE 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. 4277–000, Rose Coal Co., Rose #3 Mine, Mine ID No. 33 01253 0, Wellston, Ohio.

(2) ICP Docket No. 4278–000, Black Nuggett Coal Co., Black Nuggett No. 7 Mine, Mine ID No. 15 02424 0, Pikeville, Ky.

(3) ICP Docket No. 4283–000, Sharon Holbrook Coals, Inc., Mine No. 1, Mine ID No. 15 02592 0, Colson, Ky.

(4) ICP Docket No. 4284–000, Eastern Fuel Co., Inc., Mine No. 1, Mine ID No. 15 00653 0, Cawood, Ky.

(5) ICP Docket No. 4285–000, A & K Coal Co., Mine No. 2, Mine ID No. 15 04123 0, Isom, Ky.

(6) ICP Docket No. 4286–000, ESK–CO Coal Co., Inc., Mine No. 1, Mine ID No. 15 00973 0, Whitesburg, Ky.

(7) ICP Docket No. 4287–000, Middleton Coal Co., Mine No. 6, Mine ID No. 15 06841 0, Cranks, Ky.

(8) ICP Docket No. 4288–000, Adkins' Coal Co., Mine No. 11, Mine ID No. 15 02290 0, Langley, Ky.

(9) ICP Docket No. 4289–000, Smith-Baker Coal Co., Mine No. 11, Mine ID No. 44 00947 0, Hurley, Va.

(10) ICP Docket No. 4290–000, Broyles & Dotson Coal Co., Mine #6, Mine ID No. 44 01539 0, Hurley, Va.

(11) ICP Docket No. 4291–000, Indian Head Mining Co., Indian Head Mine #3, Mine ID No. 15 02378 0, Engle, Ky.

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., Public Law 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 19, 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.

JANUARY 29, 1974.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74–2751 Filed 2–1–74;8:45 am]

UNITED STATES 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. 4300–000, United States Fuel Co., King Mine, Mine ID No. 42 00098 0, Hiawatha, Utah.

(2) ICP Docket No. 4301–000, Robinson-Phillips Coal Co., Mill Creek Mine No. 61, Mine ID No. 46 03247 0, Baileysville, W. Va.

(3) ICP Docket No. 4302–000, Robinson-Phillips Coal Co., Angus No. 3 Mine, Mine ID No. 46 02375 0, Coalwood, W. Va.

(4) ICP Docket No. 4303–000, Robinson-Phillips Coal Co., Angus No. 1 Mine, Mine ID No. 46 01659 0, Baileysville, W. Va.

(5) ICP Docket No. 4304–000, Westmoreland Coal Co., Quinwood No. 2 Mine, Mine ID No. 46 01472 0, Carl, W. Va.

(6) ICP Docket No. 4305–000, Borgman Coal Co., Borgman No. 10 Mine, Mine ID No. 46 01484 0, Tunnelton, W. Va.

(7) ICP Docket No. 4306–000, Gambrell Coal Co., Mine No. 1, Mine ID No. 15 00869 0, Dewitt, Ky.

(8) ICP Docket No. 4307–000, Darby B Coal Co., Inc., Mine No. 6, Mine ID No. 15 02794 0, Cumberland, Ky.

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., Public Law 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 19, 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 29, 1974.

[FR Doc.74–2752 Filed 2–1–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), notice is hereby given of a meeting of the International Decade of Ocean Exploration Proposal Review Panel to be held at 8:30 a.m. on February 13, 14, and 15, 1974, in Room 710 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 Mr. Feenan Jennings, Head, Office for the International Decade of Ocean Exploration (IDOE), Room 710, 1800 G Street, NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

JANUARY 23, 1974.

[FR Doc.74-2812 Filed 2-1-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JANUARY 25, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. 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 28, 1974 through February 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2763 Filed 2-1-74;8:45 am]

[File No. 500-1]

PERSONNEL CONSULTANTS, INC.

Notice of Suspension of Trading

JANUARY 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Personnel Consultants, 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 2:15 p.m. (e.d.t.) January 25, 1974 through midnight (e.d.t.) February 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2764 Filed 2-1-74;8:45 am]

PBW STOCK EXCHANGE INC.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

JANUARY 25, 1974.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
W. T. Grant Co	7-4532
Houston Natural Gas Corp	7-4533

Upon receipt of a request, on or before February 10, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2768 Filed 2-1-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

JANUARY 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated, 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 28, 1974 through February 6, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2769 Filed 2-1-74;8:45 am]

[File No. 500-1]

SEABOARD CORP.

Notice of Suspension of Trading

JANUARY 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, units and warrants of Seaboard Corporation 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 26, 1974 through February 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2765 Filed 2-1-74;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

JANUARY 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American 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 27, 1974 through February 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2766 Filed 2-1-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

JANUARY 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, 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 January 27, 1974 through February 5, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-2767 Filed 2-1-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular; Public Debt Series—No. 3-74]

7½ PERCENT TREASURY BONDS OF 1988–93

Offering of Bonds

JANUARY 31, 1974.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 95.30 percent of their face value for $300,000,000, or thereabouts, of bonds of the United States, designated 7½ percent Treasury Bonds of 1988–93. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks in exchange for Treasury securities maturing February 15, 1974. Tenders on a competitive or noncompetitive basis will be received up to 1:30 p.m., Eastern Daylight Saving time, Thursday, February 7, 1974. The price for the bonds will be established as set forth in Section III hereof. The 7¾ percent Treasury Notes of Series C–1974 and 4⅛ percent Treasury Bonds of 1974 maturing February 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be identical in all respects with the 7½ percent Treasury Bonds of 1988–93 issued pursuant to Department Circular, Public Debt Series—No. 6–73, dated July 26, 1973, except that interest will accrue from February 28, 1974. With this exception the bonds are described in the following quotation from Department Circular No. 6–73:

> 1. The bonds will be dated August 15, 1973, and will bear interest from that date at the rate of 7½ percent per annum, payable semi-annually on February 15 and August 15 in each year until the principal amount becomes payable. They will mature August 15, 1993, but may be redeemed at the option of the United States on and after August 15, 1988, in whole or in part at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.
>
> 2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.
>
> 4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.
>
> 5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of Government Financial Operations, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., e.d.s.t., Thursday, February 7, 1974. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals in a multiple of .05, e.g., 100.10, 100.05, 100.00, 99.95, etc. Fractions may not be used.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face aomunt of bonds applied for.

3. In considering the acceptance of tenders, those at the highest prices will be accepted in full to the extent required to attain the amount offered; provided, however, that tenders at the lowest of such accepted prices will be prorated if necessary. All tenders so accepted will be allotted at the price of the lowest accepted tender. Those submitting tenders will be advised of the acceptance, and awarded price, or the rejection of their bids. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $300,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations noncompetitive tenders for $250,000 or less will be accepted in full at the same price as accepted competitive tenders. The price may be 100.00, or more or less than 100.00.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Thursday, February 7, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders at the price established by the auction, plus $2.69337 per $1,000 for accrued interest from February 15 to February 28, 1974, must be made or completed on or before February 28, 1974, at the Federal Reserve Bank or Branch or at the Bureau of Government Financial Operations, Washington, D.C. 20222, in cash, securities referred to in Section I (interest coupons dated February 15, 1974, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secrcetary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the bonds allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 7½ percent Treasury Bonds of 1988–93 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assign-

ment should be to "The Secretary of the Treasury for 7½ percent coupon Treasury Bonds of 1988–93 to be delivered to ----------." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Government Financial Operations, Banking and Cash Management, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.74–2970 Filed 2–1–74;9:24 am]

[Dept. Circular, Public Debt Series No. 1–74]

TREASURY NOTES OF SERIES C–1977

Offering of Notes

JANUARY 31, 1974.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.26 percent of their face value for $2,250,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series C–1977. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on February 4, 1974. An additional amount of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes and bonds maturing February 15, 1974. Tenders will be received up to 2:00 p.m., Eastern Daylight Saving time, Wednesday, February 6, 1974, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7¾ percent Treasury Notes of Series C–1974 and 4⅛ percent Treasury Bonds of 1974, maturing February 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated February 15, 1974, and will bear interest from that date, payable on a semiannual basis on May 15 and November 15, 1974, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of Government Financial Operations, Washington, D.C. 20222, up to the closing hour, 2:00 p.m., e.d.s.t., Wednesday, February 6, 1974. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.26 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan association States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $2,250,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 2:00 p.m., Eastern Daylight Saving time, Wednesday, February 6, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before February 15, 1974, at the Federal Reserve Bank or Branch or at the Bureau of Government Financial Operations, Washington, D.C. 20222, in cash, securities referred to in Section I (interest coupons dated February 15, 1974, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

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[1] Average price may be at, or more or less than 100.00.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series C–1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series C–1977 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Government Financial Operations, Banking and Cash Management, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.74-2968 Filed 2-1-74;9:23 am]

[Dept. Circular, Public Debt Series—No. 2-74]

TREASURY NOTES OF SERIES A–1981

Offering of Notes

JANUARY 31, 1974.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 98.26 percent of their face value for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series A–1981. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on February 4, 1974. An additional amount of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury notes and bonds maturing February 15, 1974. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, February 5, 1974, under competitive and noncompetitive bidding, as set forth in Section III hereof. The 7¾ percent Treasury Notes of Series C–1974 and 4⅛ percent Treasury Bonds of 1974, maturing February 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated February 15, 1974, and will bear interest from that date, payable semiannually on August 15, 1974, and thereafter on February 15 and August 15 in each year until the principal amount becomes payable. They will mature February 15, 1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of Government Financial Operations, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, February 5, 1974. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 98.26 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $1,500,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, February 5, 1974.

Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before February 15, 1974, at the Federal Reserve Bank or Branch or at the Bureau of Government Financial Operations, Washington, D.C. 20222, in cash, securitise referred to in Section I (interest coupons dated February 15, 1974, should be detached) or

[1] Average price may be at, or more or less than 100.00.

other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series A–1981 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series A–1981 to be delivered to _____." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of Government Financial Operations, Banking and Cash Management, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.74–2969 Filed 2–1–74;9:23 am]

INTERIOR DEPARTMENT

Office of Oil and Gas

EMERGENCY PETROLEUM SUPPLY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the following meeting:

The Emergency Petroleum Supply Committee will meet at 10:00 a.m. on Thursday, February 7, 1974, in the auditorium of the Interior South Building, Washington, D.C. The agenda will include discussion of data compiled by the Supply and Distribution Subcommittee.

This meeting will be open to the public to the extent that facilities permit. Further information as to details of this meeting may be obtained from the Secretary of the Committee.

The purpose of the Emergency Petroleum Supply Committee is to assist the U.S. Government in coping with problems resulting from disruptions of foreign supply.

Dated: February 1, 1974.

BEN TAFOYA,
Secretary, Emergency Petroleum Supply Committee.

[FR Doc.74–2991 Filed 2–1–74;11:18 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 436]

ASSIGNMENT OF HEARINGS

JANUARY 30, 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 February 4, 1974.

MC–C–8186, Allen S. Kraft DBA Universal Travel Service-V-World Travel Service (Arthur A. Johnson, Owner), now assigned February 19, 1974, at Kansas City, Mo., is postponed indefinitely.

MC 118831 Subs 40, 44, 97, and 98, Central Transport, Inc., now assigned February 27, 1974, at Charlotte, N.C., will be held at the Main Library, 310 North Tryon Street.

MC–F–11811, Watkins Carolina Express, Inc.—Control and Merger—Lloyd Motor Express, Ltd., and MC 30280 Sub 64, Watkins Carolina Express, Inc., now assigned March 4, 1974, at Charlotte, N.C., will be held at the Cavalier Motor Inn, 426 N. Tryon Street.

MC 61592 Sub 216, Jenkins Truck Line, Inc., now assigned February 25, 1974, at Dallas, Texas, is cancelled and reassigned for hearing March 11, 1974 (2 days), at Birmingham, Ala., in a hearing room to be later designated.

No. 35913, Louis Dreyfus Corp., Et Al., The Atchison, Topeka, and Santa Fe Railway Company, Et Al., now assigned March 13, 1974, at Kansas City, Mo., is postponed to March 18, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC 133316 Sub-7, Frank R. Givigliano, DBA Givigliano Transport, now assigned February 11, 1974, at Denver, Colo., is cancelled and reassigned February 11, 1974, at Colorado Springs, Colo., at the Little Theater, Weber Street Center Entrance, City Auditorium.

MC 109172 Sub 10, National Transfer, Inc., now assigned February 20, 1974, at Olympia, Wash., cancelled and reassigned to February 20, 1974, in the Conference and Meeting Room, Washington Natural Gas Co., 815 Mercer St., Seattle, Wash.

MC 65660 Sub 7, Warner & Smith Motor Freight, Inc., now assigned March 5, 1974, at Harrisburg, Pa., is postponed to March 18, 1974 (1 week), at Pittsburgh, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2863 Filed 2–1–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 30, 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 by February 20, 1974.

FSA No. 42799—*Fresh Meats and Packinghouse Products from Wagner, South Dakota.* Filed by Western Trunk Line Committee, Agent, (No. A–2695), for interested rail carriers. Rates on fresh meats and packinghouse products, in carloads, as described in the application, from Wagner, S.D., to points in southern territory.

Grounds for relief—Market competition.

Tariff—Supplement 4 to Western Trunk Line Committee, Agent, Tariff 287–G, I.C.C. No. A–4899. Rates are published to become effective on March 1, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2862 Filed 2–1–74;8:45 am]

[Ex Parte No. 270 (Sub-No. 8)]

PAPER AND PAPER PRODUCTS

Investigation of Railroad Freight Rate Structure

It appearing, that the term "paper and paper products" has by custom of the trade as exemplified by certain railroad freight rate tariffs, as for example ICC C–366, TEA–ER 703–B and ICC S–980, SFTB 867–4, come to relate to the outbound movement of finished products which consist of paper in its various forms and products generally produced from paper but does not include articles in which the inherent characteristics of paper have been substantially modified;

It further appearing, that the term "paper and paper products" as defined above shall generally encompass the articles listed in Category 26 of the Standard Transportation Commodity Code

(STCC), as published in the Standard Transportation Commodity Code Tariff No. 1–B, ICC C–998, filed by Traffic Executive Assn.—Eastern Railroads and others, but shall not include STCC 26 111, pulp, STCC 26 112, pulp mill products, STCC 26 461, bituminous fiber pipe, and STCC 26 6, building paper or building board;

It further appearing, that the term "paper and paper products" as defined above in addition to including most of the articles listed in Category 26 of the STCC may also include in various rate tariff applications other paper products, such as: STCC 27 417 62, calendar desk pads, STCC 39 551 15, paper, carbon, one time, and STCC 27 417 41, labels, not elsewhere classified; as well as other similarly related products;

It further appearing, that as shown by the 1966 and 1969 rail carload waybill samples and freight commodity statistics, paper and paper products as heretofore defined are consistently among the railroads' major revenue producers;

It further appearing, that a comparison of the 1966 and 1969 burden studies discloses that the cost for transporting paper and paper products has increased at a faster rate than revenues derived from its transportation;

It further appearing, that while the principal focus of this investigation, as well as other subnumbered Ex Parte No. 270 investigations instituted by the Coordinator relating to specific commodities, is on (1) the possibly self-defeating nature of general rate increases, (2) the disparities and distortions in the basic rate structure which may have resulted from the recent series of general increases, (3) the uneven effects of general increases on individual railroads,[1] and (4) the lack of railroad incentive to improve service in line with shipper requirements, it is also incumbent upon the Commission to give due consideration to the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321–47 (1970);

And it further appearing, that there are presently available insufficient facts and data to enable the Coordinator properly to assess and quantify the environmental consequences of the numerous alternatives that may be pursued in the investigation program envisioned in this proceeding as required by the NEPA; that participants in the proceeding will be invited, in accordance with the further procedures to be established at a later date herein, to submit facts and comments regarding the probable environmental consequences that may result from any action to be taken herein, and that such facts and comments will better allow the Coordinator to assess and define any ecological issues that may be present in this proceeding, that should it be found necessary in this proceeding to follow the detailed environmental impact statement procedures prescribed in section 102(2)(C) of the NEPA, such a statement will be prepared late enough in the development process to contain meaningful information, but early enough so that whatever information is contained in the statement can practically serve as input into the decision-making process (See *Scientists' Institute for Public Information, Inc.* v. *Atomic Energy Commission*, decided June 12, 1973, No. 72–1331, United States Court of Appeals for the District of Columbia Circuit); and good cause appearing therefor:

It is ordered, That under the authority of the National Transportation Policy (49 U.S.C. preceding section 1) and the specific provisions of part I of the Interstate Commerce Act, in particular sections 1, 2, 3, 6, 12, 13, 15, 15a, and 20, an investigation be, and it is hereby, instituted into the lawfulness of all rates on paper and paper products maintained by railroads subject to the Interstate Commerce Act and that said railroads to the extent they participate in the transportation of paper and paper products be, and they are hereby, made respondents.

It is further ordered, That any person interested in this proceeding shall file with the Interstate Commerce Commission, Office of Proceedings, Room 5342, Washington, D.C. 20423, on or before March 22, 1974, the original and two copies of a statement of his interest. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether he genuinely wishes to participate by receiving or filing evidence, (3) if he so desires to participate as described in (2), whether he will consolidate or is capable of consolidating his interest with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interest being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding for the purpose specified in (2) above; and that persons not timely filing a statement of intention by March 22, 1974, will not be permitted to participate except upon a showing of good cause for such late participation and leave granted;

It is further ordered, That following the circulation of the service list, a procedural order will be entered by the Coordinator directing the further procedures that must be followed in this investigation proceeding.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy in the office of the Commission's Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 29th day of January, 1974.

By the Commission, Commissioner Hardin, Coordinator.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–2859 Filed 2–1–74;8:45 am]

[1] Although the issue of uneven effects of general increases on individual railroads is to be considered in Ex Parte No. 270 (Sub-No. 3), Investigation of Railroad Freight Rate Structure—Uneven Effects of General Increases on Individual Railroads, evidence with respect to this issue, insofar as it relates to the rates on paper and paper products, will be considered relevant in this investigation.

[Notice No. 16]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to Sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before February 25, 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–74907. By order of January 22, 1974, the Motor Carrier Board approved the transfer to Alexander B. Pollock, doing business as Jiffy Vans, Indianapolis, Ind., of Certificate No. MC–16729 issued May 3, 1972, in the name of Manuel Vazquez, Ardmore, Pa., authorizing the transportation of household goods between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Delaware, and New York; and cut flowers from Philadelphia, Pa., to Wilmington, Del. Mr. Francis P. Desmond, Attorney for Transferee, 115 East 5th Street, Chester, Pa. 19013.

No. MC–FC–74923. By order entered January 24, 1974, the Motor Carrier Board approved the transfer to Elmira-Watkins Glen Transit Corp., Montour Falls, N.Y., of the operating rights set

forth in Certificate No. MC–63662, issued June 17, 1960, to William Robbins, doing business as Elmira-Troy-Canton Bus Lines, Watkins Glen, N.Y., authorizing the transportation of passengers and their baggage, and express, mail, and newspapers, in the same vehicle with passengers, between Elmira, N.Y., and Canton, Pa., serving the intermediate points of Fassett, Gillett, Snedekervill, Columbia, Cross Roads, Troy, and Alba, Pa., over specified routes. The subject operating rights include incidental charter authority. Russell R. Sage, Suite 301, Tavern Square, 421 King St., Alexandria, Va. 22314.

No. MC–FC–74936. By order entered January 22, 1974, the Motor Carrier Board approved the transfer to Martin A. Crowley, doing business as Martin A. Crowley Trucking, Franklin, New Hampshire, of the operating rights set forth in Certificate No. MC–108036, issued August 17, 1950, to Wheeler Moving & Storage, Inc., Housatonic, Mass., authorizing the transportation of household goods, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over a regular route, between North Adams, Mass., and New York, N.Y., serving intermediate points and the off-route points in Berkshire County, Mass., those in New York and Connecticut within 30 miles of Great Barrington, Mass., and those in New York and New Jersey within 25 miles of New York; and household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, over irregular routes, between Pittsfield, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the District of Columbia, and the lower peninsula of Michigan. David M. Marshall, 135 State St., Suite 200, Springfield, Mass. 01103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2856 Filed 2–1–74;8:45 am]

[Notice No. 15]

MOTOR CARRIER TRANSFER PROCEEDINGS

JANUARY 30, 1974.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–74899. By application filed January 24, 1974, COLORADO MOVING & STORAGE, INC., 4700 Holly, Denver, CO 80216, seeks temporary authority to lease the operating rights of HOFFMAN TRANSFER CO., 4700 Holly, Denver, CO 80216, under section 210a(b). The transfer to COLORADO MOVING & STORAGE, INC., of the operating rights of HOFFMAN TRANSFER CO., is presently pending.

No. MC–FC–74915. By application filed January 16, 1974, PHILIP J. PAYNE, R. R. #1, Macedonia, IL 62860, seeks temporary authority to lease the operating rights of JAMES A. WILSON, R. R. #2, Eldorado, IL 62930, under section 210a(b). The transfer to PHILIP J. PAYNE, of the operating rights of JAMES A. WILSON, is presently pending.

No. MC–FC–74958. By application filed January 22, 1974, A & W SERVICE, INC., doing business as CHANDLEY CARTAGE CO., 4th Floor, O.V. Bank Bldg., Henderson, KY 42420, seeks temporary authority to lease the operating rights of JOHN W. CHANDLEY, doing business as CHANDLEY CARTAGE CO., 125 McKinley St., Henderson, KY 42420, under section 210a(b). The transfer to A & W SERVICE, INC., doing business as CHANDLEY CARTAGE CO., of the operating rights of JOHN W. CHANDLEY, doing business as CHANDLEY CARTAGE CO., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–2857 Filed 2–1–74;8:45 am]

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MONDAY, FEBRUARY 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 24

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

EFFLUENT GUIDELINES AND STANDARDS

General Provisions

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 401—GENERAL PROVISIONS

Notice was published in the FEDERAL REGISTER, August 22, 1973, (38 FR 22606) of the proposal of 40 CFR Part 401 setting forth certain provisions applicable to all further regulations for particular categories of point sources to be issued under 40 CFR Parts 402 through 699. These regulations will provide effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), 307,b) and (c) and 316(b) of the Federal Water Pollution Control Act, as amended, (the "Act") 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c) and 1326(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Part 401 is intended to provide a description of the applicable legal authorities and definitions which will apply throughout the series of individual regulations.

The regulation as set forth below contains minor departures from the proposed regulation published at 38 FR 22606. No comments were received from the public concerning this regulation. Additions and changes were made in order to clarify for the public such terms, definitions, abbreviations, and parameters commonly used by the Environmental Protection Agency in the issuance of and appertaining to the regulations set forth at 40 CFR Parts 402 through 699.

The principal revisions to this proposed regulation are as follows:

(1) Section 401.11 *General definitions* has been expanded beyond the proposed version to include certain abbreviations which are used throughout Parts 402 through 699, and to define certain additional specialized terms frequently used in Parts 402 through 699 including "process waste water," "process waste water pollutants," "noncontact cooling water," "noncontact cooling water pollutants," and "blowdown." The inclusion of these terms and abbreviations in the list of generally applicable definitions is intended to make the public more certain of their meaning when used throughout subsequent regulations issued at 40 CFR Parts 402 through 699.

(2) Additionally, the proposed 40 CFR Part 130 (38 FR 17318) has been superseded by 40 CFR Part 136 (38 FR 28758) "Guidelines Establishing Test Procedures For The Analysis of Pollutants" published in the FEDERAL REGISTER, dated October 16, 1973. Minor corrections have been made in the regulation below to reflect that change of reference.

(3) Section 401.12 has been expanded to include a description of authority under sections 304(c), 307(b) and 316(b) of the Act.

Further revision of this regulation may be made in the future to update the list of terms, definitions, abbreviations and parameters.

In consideration of the foregoing 40 CFR Ch. I, is hereby amended by adding a new Subchapter N and new Part 401, General Provisions, therein to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 5, 1974.

Dated: January 22, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307 (b) and (c) and 316(b) of the Federal Water Pollution Control Act, as amended (the "Act"), 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c) and 1326(c); 86 Stat. 816 et seq.; Pub. L. 92–500.

§ 401.10 Scope and purpose.

Regulations promulgated or proposed under Parts 402 through 699 of this subchapter prescribe effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards for new and existing sources pursuant to sections 301, 304 (b) and (c), 306 (b) and (c), 307 (b) and (c) and 316(b) of the Federal Water Pollution Control Act, as amended (the "Act"), 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317 (b) and (c) and 1326(c); 86 Stat. 816; Pub. L. 92–500. Point sources of discharges of pollutants are required to comply with these regulations, where applicable, and permits issued by States or the Environmental Protection Agency (EPA) under the National Pollutant Discharge Elimination System (NPDES) established pursuant to section 402 of the Act must be conditioned upon compliance with applicable requirements of sections 301 and 306 (as well as certain other requirements). This Part 401 sets forth the legal authority and general definitions which will apply to all regulations issued concerning specific classes and categories of point sources under Parts 402 through 699 of this subchapter which follow. In certain instances the regulations applicable to a particular point source category or subcategory will contain more specialized definitions. In the case of any conflict between regulations issued under this Part 401 and regulations issued under Parts 402 through 699 of this subchapter, the latter more specific regulations shall apply.

§ 401.11 General definitions.

For the purposes of Parts 402 through 699 of this subchapter:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., 86 Stat. 816, Pub. L. 92–500.

(b) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(c) The term "Environmental Protection Agency" means the United States Environmental Protection Agency.

(d) The term "point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(e) The term "new source" means any building, structure, facility or installation from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance under section 306 of the Act which will be applicable to such source if such standard is thereafter promulgated in accordance with section 306 of the Act.

(f) The term "pollutant" means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. It does not mean (1) sewage from vessels or (2) water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well, used either to facilitate production or for disposal purposes, is approved by authority of the State in which the well is located, and if such State determines that such injection or disposal will not result in degradation of ground or surface water resources.

(g) The term "pollution" means the man-made or man induced alteration of the chemical, physical, biological and radiological integrity of water.

(h) The term "discharge of pollutant(s)" means (1) the addition of any pollutant to navigable waters from any point source and (2) any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source, other than from a vessel or other floating craft. The term "discharge" includes either the discharge of a single pollutant or the discharge of multiple pollutants.

(i) The term "effluent limitation" means any restriction established by the Administrator on quantities, rates, and concentrations of chemical, physical, biological and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone or the ocean.

(j) The term "effluent limitations guidelines" means any effluent limitations guidelines issued by the Administrator pursuant to section 304(b) of the Act.

(k) The term "standard of performance" means any restriction established by the Administrator pursuant to section 306 of the Act on quantities, rates, and concentrations of chemical, physical, biological, and other constituents

which are or may be discharged from new sources into navigable waters, the waters of the contiguous zone or the ocean.

(l) The term "navigable waters" includes: All navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.

(m) The terms "state water pollution control agency," "interstate agency," "State," "municipality," "person," "territorial seas," "contiguous zone," "biological monitoring," "schedule of compliance," and "industrial user" shall be defined in accordance with section 502 of the Act unless the context otherwise requires.

(n) The term "noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

(o) The term "noncontact cooling water pollutants" means pollutants present in noncontact cooling waters.

(p) The term "blowdown" means the minimum discharge of recirculating water for the purpose of discharging materials contained in the water, the further buildup of which would cause concentration in amounts exceeding limits established by best engineering practice.

(q) The term "process waste water" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

(r) The term "process waste water pollutants" means pollutants present in process waste water.

(s) The following abbreviations shall have the following meanings: (1) "BOD5" means five-day biochemical oxygen demand; (2) "COD" means chemical oxygen demand; (3) "TOC" means total organic carbon; (4) "TDS" means total dissolved solids; (5) "TSS" means total suspended non-filterable solids; (6) "kw" means kilowatt(s); (7) "kwh" means kilowatt hour(s); (8) "Mw" means megawatt(s); (9) "Mwh" means megawatt hour(s); (10) "hp" means horsepower; (11) "mm" means millimeter(s); (12) "cm" means centimeter; (13) "m" means meter(s); (14) "in." means inch; (15) "ft" means foot (feet); (16) "l" means liter(s); (17) "cu m" means cubic meter(s); (18) "k cu m" means 1000 cubic meter(s); (19) "gal" means gallon(s); (20) "cu ft" means cubic foot (feet); (21) "mg" means milligram(s); (22) "g" means gram(s); (23) "kg" means kilogram(s); (24) "kkg" means 1000 kilogram(s); (25) "lb" means pound(s); (26) "sq m" means square meter(s); (27) "ha" means hectare(s); (28) "sq ft" means square foot (feet); and (29) "ac" means acre(s).

§ 401.12 Law authorizing establishment of effluent limitations guidelines for existing sources, standards of performance for new sources and pretreatment standards of new and existing sources.

(a) Section 301(a) of the Act provides that "except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful."

(b) Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as determined by the Administrator pursuant to section 304(b)(1) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b)(2) of the Act.

(c) Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives.

(d) Section 304(c) of the Act requires the Administrator, after consultation with appropriate Federal and State agencies and other interested persons to issue information on the process, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act.

(e) Section 306(b)(1)(B) of the Act requires the Administrator, after a category of sources is included in a list published pursuant to section 306(b)(1)(A) of the Act, to propose regulations establishing Federal standards of performances for new sources within such category. Standards of performance are to provide for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

(f) Section 307(b) provides that the Administrator shall establish pretreatment standards which shall prevent the discharge of any pollutant into publicly owned treatment works which pollutant interferes with, passes through untreated, or otherwise is incompatible with such works.

(g) Section 307(c) of the Act provides that the Administrator shall promulgate pretreatment standards for sources which would be "new sources" under section 306 (if they were to discharge pollutants directly to navigable waters) at the same time standards of performance for the equivalent category of new sources are promulgated.

(h) Section 316(b) of the Act provides that any standard established pursuant to section 301 or section 306 of the Act and applicable to a point source shall require that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact.

(i) Section 402(a)(1) of the Act provides that the Administrator may issue permits for the discharge of any pollutant upon condition that such discharge will meet all applicable requirements under sections 301, 302, 306, 307, 308 and 403 of this Act. In addition, section 402(b)(1)(A) of the Act requires that permits issued by States under the National Pollutant Discharge Elimination System (NPDES) established by the Act must apply, and insure compliance with any applicable requirements of sections 301, 302, 306, 307 and 403 of the Act.

§ 401.13 Test procedures for measurement.

The test procedures for measurement which are prescribed at Part 136 of this chapter shall apply to expressions of pollutant amounts, characteristics or properties in effluent limitations guidelines and standards of performance and pretreatment standards as set forth at Parts 402 through 699 of this subchapter, unless otherwise specifically noted or defined in said parts.

[FR Doc.74-2348 Filed 2-1-74;8:45 am]

federal register

MONDAY, FEBRUARY 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 24

PART III

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

AGRICULTURAL TRACTORS

Roll-Over Protective Structures

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S–74–2]

AGRICULTURAL TRACTORS

Roll-Over Protective Structures

Pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, it is proposed to amend Chapter XVII of Title 29 of the Code of Federal Regulations by adding a new Part 1928 to contain a new occupational safety and health standard for roll-over protective structures for agricultural tractors.

Tractor roll-overs have been a major cause of employee injury and death on the farm. The Secretary of Labor recognized the need to deal with this problem, when, in appointing the Standards Advisory Committee on Agriculture in June 1971, he made the area of roll-over protective structures (ROPS) a priority subject for a standard.

The Standards Advisory Committee on Agriculture appointed a subcommittee on ROPS at its first meeting in July 1971. The subcommittee met in Washington, D.C. on October 18–19, 1972, and in Iowa City, Iowa on December 18–20, 1972. A final recommendation was presented by the subcommittee to the full committee on December 20, 1972, and was unanimously adopted. The proposed standard presented below is based substantially on the recommendation of the Standards Advisory Committee on Agriculture.

The basic requirements of the proposed standard are summarized as follows:

(1) The standard would require a tractor of over 20 engine horsepower used in agricultural operations to be equipped with a roll-over protective structure. The structure would be intended to protect employee operators from injury in tractor roll-overs.

(2) All ROPS devices would have to meet specified performance requirements, to be determined on the basis of certain tests which must be undergone by representative samples of all ROPS.

(3) Protective frame type ROPS (a structure generally composed of uprights mounted to a tractor, and extending above the operator's head), would have to be tested according to the requirements of § 1928.52. This section is an adaptation of American Society of Agricultural Engineers (ASAE) Standard 306.3, and of Society of Automotive Engineers (SAE) Standard J334, Protective Frame for Agricultural Tractors—Test Procedures and Performance Requirements, which were incorporated by the Standards Advisory Committee on Agriculture in its recommendation to the Assistant Secretary of Labor. It would require that a representative protective frame undergo either a static test (§ 1928.52(e)(2)) or a dynamic test (§ 1928.52(e)(3)), for frame strength. A field upset test may be required if the specified performance requirements of the static or dynamic tests are not exceeded.

(4) Representative protective enclosure type ROPS (a structure generally comprising of a frame and enclosure mounted to a tractor—see Fig. C–12), would have to be tested according to the requirements of § 1928.53. This section is an adaptation of ASAE S336.1 (SAE J168)—Protective Enclosures for Agricultural Tractors—Test Procedures and Performance Requirements, which was incorporated by the Standards Advisory Committee on Agriculture in its recommendation to the Assistant Secretary of Labor. It would require that a protective enclosure undergo either a static test (§ 1928:53(e)(2)) or a dynamic test (§ 1928.53(e)(3)). A field upset test may be required if the specified performance requirements of the static or dynamic tests are not exceeded.

(5) All tractors with ROPS would have to be provided with a seat belt. The specifications for seat belts are spelled out in § 1928.51(b)(2).

(6) The standard would require labeling of all roll-over protective structures, to give the following information: The name of the manufacturer, the type of tractor for which a particular device is designed, the date of manufacture, and the type of tests that the particular ROPS model has undergone.

(7) The standard would apply to all tractors used by employees in agricultural operations, that are manufactured on or after a stated date.

Written data, views, and arguments concerning the proposal may be mailed to the Office of Standards, Room 504, 400 First Street NW., Washington, D.C. 20210. All written submissions received before March 6, 1974 will be considered. The data, views, and arguments will be available for public inspection and copying at the Office of Standards.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may, in addition to filing written matter as provided above, file objections to the proposal requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before March 6, 1974;

(3) The objections must specify with particularity the provision of the proposed standard to which the objections are taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

The new Part 1928 is proposed to read as follows:

PART 1928—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

Subpart A [Reserved]

Subpart B [Reserved]

Subpart C—Roll-Over Protective Structures

Sec.

AUTHORITY: Sec. 6(b), Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655). Secretary of Labor's Order No. 12–71, 36 FR 8754.

Subpart A—[Reserved]

Subpart B—[Reserved]

Subpart C—Roll-over Protective Structures

§ 1928.51 Roll-over protective structures (ROPS) for operators of tractors.

(a) *Definitions.* As used in this subpart:

(1) *"Agricultural tractor"* means a two-or-four-wheel drive type vehicle, or track vehicle, of more than 20 engine horsepower, designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(2) *"Tractor weight"* includes the protective frame or enclosure, all fuels, and other components required for normal use of the tractor. Ballast shall be added as necessary to achieve a minimum total weight of 110 lb. (50.0 kg.) per maximum power take-off horsepower at rated engine speed or the maximum gross vehicle weight specified by the manufacturer, whichever is greatest. Front end weight shall be at least 25 percent of the tractor test weight. In case power take-off horsepower is not available, 95 percent of net engine flywheel horsepower shall be used.

(b) *General requirements.* Agricultural tractors manufactured after August 31, 1974, shall meet the following requirements:

(1) *Roll-over protective structure.* A roll-over protective structure shall be provided that meets the appropriate performance requirements of § 1928.52, or § 1928.53, or of § 1926.1001 of this Chapter.

(2) *Seat belt.* A seat belt shall be provided by the employer, and required to be used by the employee, which conforms to Society of Automotive Engineers Standard SAE J4c, 1965 Motor Vehicle Seat Belt Assemblies, except as noted hereafter.

(i) Where a suspended seat is used, the seat belt shall be fastened to the movable portion of the seat to accommodate ride motion of the operator.

(ii) The seat belt anchorage shall be capable of withstanding a static tensile load of 1,000 pounds (453.6kg) at 45 degrees to the horizontal equally divided between the anchorages. The seat belt

mounting shall be capable of withstanding this load plus a load equal to four times the weight of all applicable seat components applied 45 degrees to the horizontal in a forward and upward direction. In addition, the seat mounting shall be capable of withstanding a 500 pound (226.8kg) belt load plus two times the weight of all applicable seat components both applied at 45 degrees to the horizontal in an upward and rearward direction. Floor and seat deformation is acceptable provided there is not structural failure or release of the seat adjuster mechanism or other locking device. The seat adjuster or locking device need not be operable after application of the test load.

(iii) The seat belt webbing material shall have a resistance to acids, alkalies, mildew, aging, moisture, and sunlight equal to or better than that of untreated polyster fiber.

(3) *Protection from spillage.* Batteries, fuel tanks, oil reservoirs, and coolant systems shall be constructed and located or sealed to assure that spillage will not occur which may come in contact with the operator.

(4) *Protection from sharp surfaces.* All sharp edges and corners at the operator's station shall be appropriately treated to minimize operator injury in the event of an upset.

(c) *Remounting.* ROPS removed for any reason, shall be remounted according to manufacturer's specifications.

(d) *Labeling.* Each ROPS shall have th following information permanently affixed to the structure:

(1) Manufacturer's or fabricator's name and address;

(2) ROPS model number, if any;

(3) Tractor make, model, or series number that the structure is designed to fit;

(4) Date of manufacture; and

(5) The tests (static, dynamic, field upset) as required under this Subpart, which were performed on that model ROPS device.

§ 1928.52 Protective frame for agricultural tractors—test procedures and performance requirements.

(a) *Purpose.* The purpose of this section is to establish the test and performance requirements for a protective frame designed for wheel type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upsets during normal operations. General systems requirements for the protection of operators are specified in § 1928.51.

(b) *Types of tests.* All protective frames for agricultural tractors must be of a model which has been tested as follows:

(1) *Laboratory test.* A laboratory test, either static or dynamic, under repeatable and controlled loading, to permit analysis of the protective frame for compliance with the performance requirements of this standard.

(2) *Field upset test.* A field upset test under reasonably controlled conditions, both to the side and rear, to verify effectiveness of the protective system under actual dynamic conditions. If the analysis of the protective frame static energy absorption test results indicate that both FER_{is} and FER_{ir} (as defined in paragraph (d)(2)(ii) of this section), exceed 1.15, or if the analysis of the protective frame dynamic energy absorption test results indicate that the frame can withstand an impact of 15 percent greater than required for the tractor weight (as shown in Figure C–7), then the field upset test may be omitted.

(c) *Description*—(1) *Protective frame.* A protective frame is a structure generally comprised of uprights mounted to the tractor, extending above the operator's seat. A typical 2-post frame is shown in Figure C–1.

(2) *Overhead weather shield.* If an overhead weather shield is available for attachment to the protective frame, it may be in place during tests, providing it does not contribute to the strength of the protective frame.

(3) *Overhead falling object protection.* If an overhead falling object protection device is available for attachment to the protective frame, it may be in place during tests provided it does not contribute to the strength of the protective frame.

(d) *Test procedures*—(1) *General.* (i) The tractor weight used shall be that of the heaviest tractor model on which the protective frame is to be used. See § 1928.51(a)(2).

(ii) A new protective frame, and mounting connections of the same design, shall be used for conducting each static, dynamic or field upset test.

(iii) Instantaneous deflection shall be measured and recorded for each segment of the test. Minimum dimensions during tests are specified in paragraph (e)(1)(i) of this section.

(iv) Seat reference point (SRP in Fig. C–3) is that point where the vertical line that is tangent to the most forward point at the longitudinal seat centerline of the seat back, and the horizontal line that is tangent to the highest point of the seat cushion intersect in the longitudinal seat section. The seat reference point is to be determined with the seat unloaded and adjusted to the highest and most rearward position provided for seated operation of the tractor.

(v) Where the seat is off the longitudinal center, the frame loading shall be on the side with the least space between center line of seat and protective frame.

(vi) Low temperature characteristics of the protective frame or its material shall be demonstrated as specified in paragraph (e)(1)(ii) of this section.

(vii) Rear input energy tests (static, dynamic or field upset) need not be performed on frames mounted to tractors having 4 driven wheels and more than one-half their unballasted weight on the front wheels since this type of vehicle is not prone to rearward upset.

(viii) Accuracy table:

Measurements	*Accuracy*
Deflection or frame, inches (millimeters)	±5 percent of deflection measured.
Vehicle weight, pounds (kilograms)	±5 percent of the weight measured.
Force applied to frame, pounds (kilograms)	±5 percent of force measured.
Dimensions of critical zone, inches (millimeters).	±0.5 in (12.5 mm).

(2) *Static test procedure.* (i) The following test conditions shall be met:

(A) The laboratory mounting base shall be the tractor chassis, or its equivalent for which the protective frame is designed.

(B) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specifies in Fig C–2 and C–3.

(C) If the protective frame is of a one or two upright design, mounting connections shall be instrumented with the necessary equipment to record the required force to be used in paragraph (d)(2)(iii)(E) of this section. Instrumentation shall be placed on mounting connections before installation load is applied.

(ii) The following definitions shall apply:

W = Tractor weight (see §1928.51(a)(2)) in lb. (W' in kg).
E_{is} = Energy input to be absorbed during side loading in ft-lb (E'_{is} in m-kg).
$E_{is} = 723 + 0.4\ W$ ($E'_{is} = 100 + 0.12\ W'$).
E_{ir} = Energy input to be absorbed during rear loading in ft-lb (E'_{ir} in m-kg).
$E_{ir} = 0.47\ W$ ($E'_{ir} = 0.14\ W'$).
L = Static load, lb. (kg).
D = Deflection under L, in. (mm).
L–D = Static load-deflection diagram.
L_{max} = Maximum observed static load.
Load Limit = Point on a continuous L–D curve where observed static load is 0.8 L_{max} on down slope of curve (refer to Fig. C–5).
E_u = Strain energy absorbed by the frame, ft-lb (m-kg) Area under L–D curve.
FER_{is} = Factor of energy ratio $FER_{is} = \frac{E_u}{E_{is}}$;
$FER_{ir} = \frac{E_u}{E_{ir}}$.
[1] P_b = Maximum observed force in mounting connection under static load, L, lb. (kg).
[1] P_u = Ultimate force capacity of mounting connection, lb. (kg).
[1] FSB = Design margin for mounting connection.

$$FSB = \frac{P_u}{P_b}.$$

[1] See paragraph (d)(2)(i)(C) of this section.

(iii) The test procedures shall be as follows:

(A) Apply the rear load as shown in Fig. C–3 and record L and D simultaneously. Rear load application shall be uniformly distributed on the frame over an area perpendicular to the direction of load application, no greater than 160 sq. in. (1032 sq. cm.) in size, with the largest dimension no greater than 27 inches (686 mm). The load shall be applied to the upper extremity of the frame at the point which is midway between the center of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add strength to the frame may be utilized to complete this test procedure. Stop test when:

(*1*) The strain energy absorbed by the frame is equal to or greater than the required input energy E_{tr} or;

(2) Deflection of the frame exceeds the allowable deflection (See paragraph (e) (1) (i) of this section) or;

(*3*) Frame load limit (see Figure C–5) occurs before the allowable deflection is reached in rear load.

(B) Using data obtained in paragraph (d) (2) (iii) (A) of this section, construct the *L–D* diagram as shown typically in Fig. C–5.

(C) Calculate E_{tr}.

(D) Calculate FER_{ts}.

(E) Calculate *FSB*.

(F) Apply the side load tests on the same frame and record *L* and *D* simultaneously. Side load application shall be at the upper extremity of the frame at a 90 degree angle to the center line of the vehicle. The side load shall be applied to the longitudinal side farthest from the point of rear load application. Apply side load L as shown in Fig. C–2. Stop test when:

(*1*) The strain energy absorbed by the frame is equal to or greater than the required input energy E_{ts} or;

(2) Deflection of the frame exceeds the allowable deflection (see paragraph (e) (1) (i) of this section) or;

(*3*) Frame load limit (see Figure C–5) occurs before the allowable deflection is reached in side load.

(G) Using data obtained in paragraph (d) (2) (iii) (F) of this section construct the L–D diagram as shown typically in Fig. C–5.

(H) Calculate E_{ts}.

(I) Calculate FER_{ts}.

(J) Calculate FSB.

(3) *Dynamic test procedure.* (i) The following test conditions shall be met:

(A) The protective frame and tractor shall be tested at the weight as defined in § 1928.51(a) (2).

(B) The dynamic loading shall be accomplished by use of a 4410 lb. (2000 kg) weight acting as a pendulum. The impact face of the weight shall be 27±1 in. by 27±1 in. (686±25 mm by 686±25 mm) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 ft. (5.5–6.7 m) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Fig. C–6).

(C) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall have strength no less than, and elasticity no greater than, that of 0.50 in. (12.7 mm) steel cable. Points of attachment of restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15 to 30 degree angle between a restraining cable and the horizontal. For the impact from the rear, the restraining cables shall be located in the plane in which the center of gravity of the pendulum will swing, or alternatively, two sets of symmetrically located cables may be used at convenient lateral locations on the tractor. For impact from the side, restraining cables shall be used as shown in Figures C–8 and C–9.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used. The tires have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the manufacturer. With specified tire inflation, the restraining cable shall be tightened to provide tire deflation of 6 to 8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam no less than 6 x 6 in. (150 x 150 mm) cross section shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the base so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that it is at an angle of 25 to 40 degrees to the horizontal when it is positioned against the wheel rim. It shall have a length 20 to 25 times its depth and a width 2 to 3 times its depth. (See Figs. C–8 and C–9).

(E) Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Fig. C–4.

(F) No repairs or adjustments shall be made during the test.

(G) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(ii) H=Vertical height of center of gravity of 4410 lb. (2000 kg) weight in inches (H' in mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows:

$H=4.92+0.00190\ W$ or $(H'=125+0.107\ W')$ — (Fig. C–7).

(iii) The test procedures shall be as follows:

(A) The frame shall be evaluated by imposing dynamic loading from the rear followed by a load to the side on the same frame. The pendulum swinging from the height determined by paragraph (d) (3) (ii) of this section imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism may be used but shall not influence the attitude of the block.

(B) Impact at rear: The tractor shall be properly restrained as per paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20 degrees from the vertical prior to impact as shown in Fig. C–8. The impact shall be applied to the upper extremity of the frame at the point which is midway between the center line of the frame and the inside of the frame upright. If no structural cross member exists at the rear of the frame, a substitute test beam which does not add to the strength of the frame may be utilized to complete the test procedure.

(C) Impact at side: The blocking and restraining shall conform to paragraphs (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The point of impact shall be at the upper extremity of the frame at a point most likely to hit the ground first and at a 90 degree angle to the center line of the vehicle as shown in Fig. C–9. The side impact shall be applied to the longitudinal side farthest from the point of rear impact.

(4) *Field upset test procedure.* (i) The following test conditions shall be met:

(A) The tractor shall be tested at the weight as defined in § 1928.51(a) (2).

(B) The test shall be conducted on a dry, firm soil bank. The soil in the impact area shall have an average cone index in the 0 to 6 in. (0 to 152 mm) layer not less than 150. Cone index is defined in American Society of Agriculture Engineers Recommendation ASAE R313, Soil Cone Penetrometer. The path of vehicle travel shall be 12±2 degrees to the top edge of the bank.

(C) An 18 in. (457 mm) high ramp as described in Fig. C–10 shall be used to assist in upsetting the vehicle to the side.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(ii) Field upsets shall be induced to the rear and side.

(A) Rear upset shall be induced by engine power with the tractor operating in a gear to obtain 3 to 5 MPH (4.8 to 8.0 km per hour) at maximum governed engine rpm preferably by driving forward directly up a minimum slope of 60°±5° as shown in Fig. C–11. The engine clutch may be used to aid in inducing the upset.

(B) To induce side upset, the tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 MPH (16 km per

hour), or at maximum vehicle speed if under 10 MPH (16 km per hour), and over the ramp as described in paragraph (d)(4)(i)(C) of this section.

(e) *Performance requirements*—(1) *General requirements.* (i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed in these tests but shall not shatter or leave sharp edges exposed to the operator, or encroach on the dimensions shown in Figs. C–2 and C–3 as follows:

d=2 in. (51 mm) inside of frame upright to vertical center line of seat.
e=30 in. (762 mm) at the longitudinal centerline.
f=Not greater than 4 in. (102 mm) to rear edge of crossbar, measured forward of the seat reference point (SRP).
g=24 in. (610 mm) minimum.
m=Not greater than 12 in. (305 mm) measured from SRP to forward edge of crossbar.

(ii) The protective structure and connecting fasteners must pass the dynamic tests described in paragraph (d)(3) or (4) of this section at a metal temperature of 0 degrees Fahrenheit or below, or exhibit Charpy V-notch impact strengths per the following:

10 mm x 10 mm specimen: 8 ft.-lb. at −20° F. (10.8J at −30° C).
10 mm x 5 mm specimen: 5 ft.-lb. at −50° F (6.8J at −45° C).
10 mm x 2.5 mm specimen: 2 ft.-lb. at −70° F (2.7J at −57° C).

(Reference: ASTM A370–68, "Standard Methods and Definitions for Mechanical Testing of Steel Products.")

Specimens are to be "longitudinal" and taken from flat stock, tubular, or structural sections before forming or welding for use in the frame. Specimens from tubular or structural sections are to be taken from the middle of the side of greatest dimension, not to include welds.

(2) *Static test performance requirements.* The structural requirements will be generally met if the FER>1 and FSB>1.3 (FSB>1.3 applicable to 1 or 2 upright frames only) and the requirements contained in paragraph (e)(1) of this section are adhered to in both side and rear loads.

(3) *Dynamic test performance requirements.* The structural requirements will be generally met if the dimensions in paragraph (e)(1) of this section are adhered to in both side and rear loads.

(4) *Field upset test performance requirements.* The requirements of paragraph (e)(1) of this section must be met in both side and rear upsets.

§ 1928.53 Protective enclosures for agricultural tractors—test procedures and performance requirements.

(a) *Purpose.* The purpose of this section is to establish the test and performance requirements for a protective enclosure designed for wheel type agricultural tractors to minimize the frequency and severity of operator injury resulting from accidental upset during normal operations. General requirements for the protection of operators are specified in § 1928.51.

(b) *Types of tests.* All protective enclosures for agricultural tractors must be of a model which has been tested as follows:

(1) *Laboratory test.* A laboratory test, either static or dynamic, under repeatable and controlled loading, to permit analysis of the protective enclosure for compliance with the performance requirements of this standard.

(2) *Field upset test.* A field upset test under reasonably controlled conditions, both to the side and rear, to verify effectiveness of the protective system under actual dynamic conditions. If the analysis of the protective frame static energy absorption test results indicate that both FER_{is} and FER_{ir} (as defined in paragraph (d)(2)(ii) of this section) exceed 1.15, or if the analysis of the protective frame dynamic energy absorption test results indicate that the frame can withstand an impact 15 percent greater than required for the tractor weight (as shown in Fig. C–7), then the field upset test may be omitted.

(c) *Description.* A protective enclosure is a structure generally comprising a frame and/or enclosure mounted to the tractor and conforming generally to Fig. C–12.

(d) *Test Procedures*—(1) *General.* (i) The tractor weight used shall be that of the heaviest tractor model on which the protective enclosure is to be used. See § 1928.51(a)(2).

(ii) A new protective enclosure (structural members of cab) and mounting connections of the same design shall be used for conducting each static, dynamic or field upset test.

(iii) Instantaneous deflection shall be measured and recorded for each segment of the test. Minimum dimensions during tests are specified in paragraph (d)(1)(i) of this section.

(iv) Seat reference point (SRP in Fig. C–14) is that point where the vertical line that is tangent to the most forward point at the longitudinal seat centerline of the seat back, and the horizontal line that is tangent to the highest point of the seat cushion intersect in the longitudinal seat section. The seat reference point is to be determined with the seat unloaded and adjusted to the highest and most rearward position provided for seated operations of the tractor.

(v) Where the seat is off the longitudinal center, the protective enclosure loading shall be on the side with least space between center line of seat and the protective structure.

(vi) Low temperature characteristics of the protective enclosure or its material shall be demonstrated as specified in paragraph (e)(1)(ii) of this section.

(vii) Rear input energy tests (static, dynamic or field upset) need not be performed on enclosures mounted to tractors having 4 driven wheels and more than one-half their unballasted weight on the front wheels since this type of vehicle is not prone to rearward upset.

(viii) Accuracy table:

Measurements	*Accuracy*
Deflection of enclosure, inches (millimeters)	±5 percent of deflection measured.
Vehicle weight, pounds (kilograms)	±5 percent of the weight measured.
Force applied to frame, pounds (kilograms)	±5 percent of force measured.
Dimensions of critical zone, inches (millimeters.)	±0.5 in. (12.5 mm).

(ix) Where movable or normally removable portions of the enclosure add to structural strength, they shall be placed in configurations that contribute least to the structural strength during the test.

(2) *Static test procedure.* (i) The following test conditions shall be met:

(A) The laboratory mounting base shall be the tractor chassis, or its equivalent, for which the protective enclosure is designed.

(B) The protective enclosure shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions as specified in Figs. C–13 and C–14.

(ii) The following definitions shall apply:

W=Tractor weight (see § 1928.51(a)(2)) in lb. (W' in kg.)
E_{is}=Energy input to be absorbed during side loading in ft-lb. (E'_{is} in m-kg)
E_{is}=723+0.4 W (E'_{is}=100+0.12 W')
E_{ir}=Energy input to be absorbed during rear loading in ft-lb. (E'_{ir} in m-kg)
E_{ir}=0.47 W (E'_{ir}=0.14 W')
L=Static load, lb. (kg)
D=Deflection under L, in. (mm)
L-D=Static load-deflection diagram
L_{max}=Maximum observed static load.
Load Limit=Point on a continuous L-D curve where observed static load is 0.8 L_{max} on down slope of curve (refer to Fig. C–16)
E_u=Strain energy absorbed by the protective enclosure, ft-lb. (m-kg). Area under L-D curve.

FER=Factor of energy ration $FER_{is}=\frac{E_u}{E_{is}}$:

$FER_{ir}=\frac{E_{iu}}{E_{ir}}$.

(iii) The test procedures shall be as follows:

(A) When the protective frame structures are not an integral part of the enclosure, the direction and point of load application for both side and rear shall be the same as specified in § 1928.52(d)(2).

(B) When the protective frame structures are an integral part of the enclosure apply the rear load as per Fig. C–14 and record L and D simultaneously. Rear load application shall be uniformly distributed on the frame structure over an area perpendicular to the load application, no greater than 160 sq. in. (1032 sq. cm.) in size with a largest dimension no greater than 27 in. (686 mm). The load shall be applied to the upper extremity of the structure at the point which is midway between the center line of the protective enclosure and the inside of the protective structure. If no structural cross member exists at the rear of the enclosure, a substitute test beam which does not add strength to the structure may be utilized to complete this test procedure. Stop test when:

(*1*) the strain energy absorbed by the structure is equal to or greater than the required input energy E_{ir}, or;

(2) deflection of the structure exceeds the allowable deflection (see paragraph (e) (1) (i) of this section) or;

(3) the structure load limit (see Fig. C–16) occurs before the allowable deflection is reached in rear load.

(C) Using data obtained in paragraph (d) (2) (iii) (B) of this section, construct the *L–D* diagram for rear loads as shown typically in Fig. C–16.

(D) Calculate E_{ir}.

(E) Calculate FER_{ir}.

(F) When the protective frame structures are an integral part of the enclosure apply the side load as shown in Fig. C–13 and record *L* and *D* simultaneously. Static side load application shall be uniformly distributed on the frame over an area perpendicular to the direction of load application, and no greater than 160 sq. in. (1032 sq. cm.) in size, with a largest dimension no greater than 27 in. (686 mm). Side load application shall be at a 90 degree angle to the center line of the vehicle. The center of side load application shall be located between a point "k", 24 in. (610 mm) forward; and a point "l", 12 in. (305 mm) rearward of the seat reference point to best utilize the structural strength (see Fig. C–13). This side load shall be applied to the longitudinal side farthest from the point of rear load application. Stop test when:

(*1*) the strain energy absorbed by the structure is equal to or greater than the required input energy E_{is}, or;

(2) deflection of the structure exceeds the allowable deflection, (See paragraph (e) (1) (i) of this section) or;

(3) the structure load limit (See Figure C–16) occurs before the allowable deflection is reached in side load.

(G) Using data obtained in (d) (2) (iii) (F) construct the *L–D* diagram for side load as shown typically in Fig. C–16.

(H) Calculate E_{is}.

(I) Calculate FER_{is}.

(3) *Dynamic test procedure.* (i) The following test conditions shall be met:

(A) The protective enclosure and tractor shall be tested at the weight defined in § 1928.51(a) (2).

(B) The dynamic loading shall be accomplished by use of a 4410 lb. (2000 kg) weight acting as a pendulum. The impact face of the weight shall be 27±1 in. by 27±1 in. (686±25 mm by 686 ±25 mm) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm) of its geometric center. The weight shall be suspended from a pivot point 18 to 22 ft. (5.5–6.7 m) above the point of impact on the enclosure and shall be conveniently and safely adjustable for height. (See Fig. C–17)

(C) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall have strength no less than, and elasticity no greater than that of 0.50 in. (12.7 mm) steel cable. Points of attachment of restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15 to 30 degree angle between a restraining cable and the horizontal. For the impact from the rear, the restraining cables shall be located in the plane in which the center of gravity of the pendulum will swing, or alternatively, two sets of symmetrically located cables may be used at convenient lateral locations on the tractor. For the impact from the side, restraining cables shall be used as shown in Figures C–19 and C–20.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the manufacturer. With specified tire inflation, the restraining cable shall be tightened to provide tire deflection of 6 to 8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam no smaller than 6 x 6 in. (150 x 150 mm) cross-section shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the base so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that it is at an angle of 25 to 40 degrees to the horizontal when it is positioned against the wheel rim. It shall have a length 20 to 25 times its depth and width 2 to 3 times its depth. (See Figs. C–19 and C–20.)

(E) Means shall be provided for indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Fig. C–15.

(F) No repairs or adjustments shall be made during the test.

(G) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(ii) H=Vertical height of center of gravity of 4410 lb. (2000 kg) weight in inches (H' in mm). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows:

$H=4.92+0.00190$ or $H'=125+0.107$ W')
(Fig. C–18)

(iii) The test procedures shall be as follows:

(A) The enclosure structure shall be evaluated by imposing dynamic loading from the rear followed by a load to the side on the same enclosure structure. The pendulum swinging from the height determined by paragraph (d) (3) (ii) of this section imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the protective structure shall be in line with the arc of travel of the center of gravity of the pendulum. A quick release mechanism may be used but shall not influence the attitude of the block.

(B) *Impact at rear.* The tractor shall be properly restrained as per paragraph (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum so that the pendulum is 20 degrees from the vertical prior to impact as shown in Fig. C–19. The impact shall be applied to the upper extremity of the enclosure structure at the point which is midway between the center line of the enclosure structure and the inside of the protective structure. If no structural cross member exists at the rear of the enclosure structure, a substitute test beam which does not add to the strength of the structure may be utilized to complete the test procedure.

(C) *Impact at side.* The blocking and restraining shall conform to paragraph (d) (3) (i) (C) and (d) (3) (i) (D) of this section. The center point of impact shall be at the upper extremity of the enclosure at a 90° angle to the center line of vehicle and located between a point "k", 24 in. (610 mm) forward, and a point "l", 12 in. (305 mm) rearward of the seat reference point, to best utilize the structural strength. (See Fig. C–13). The side impact shall be applied to the longitudinal side farthest from the point of rear impact.

(4) *Field upset test procedure.* (i) The following test conditions shall be met:

(A) The tractor shall be tested at the weight as defined in § 1928.52(a) (2).

(B) The test shall be conducted on a dry, firm soil bank. The soil in the impact area shall have an average cone index in the 0 to 6 in. (0 to 152 mm) layer not less than 150. Cone index is defined in American Society of Agricultural Engineers Recommendation ASAE R313, Soil Cone Penetrometer. The path of vehicle travel shall be 12±2 degrees to the top edge of bank.

(C) An 18 in. (457 mm) high ramp as described in Fig. C–21 shall be used to assist in upsetting the vehicle to the side.

(D) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two

settings are obtainable, the minimum setting shall be used.

(ii) Field upsets shall be induced to the rear and side.

(A) Rear upset shall be induced by engine power with the tractor operating in a gear to obtain 3 to 5 mph (4.8 to 8.0 km per hour) at maximum governed engine rpm, preferably by driving parward directly up a minimum slope of 60°±5° as shown in Fig. C–22. The engine clutch may be used to aid in inducing the upset.

(B) To induce side upset, the tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 mph (16 km per hour), or at maximum vehicle speed if under 10 mph (16 km per hour), and over the ramp as described in paragraph (d)(4)(i)(C) of this section.

(e) *Performance requirements*—(1) *General requirements.* (i) The protective enclosure structural members or other parts in the operator area may be deformed in these tests but shall not shatter or leave sharp edges exposed to the operator. They shall not encroach on a transverse plane passing through points d and f within the projected area defined by dimensions d, e and g or on the dimensions shown in Figs. C–13, and C–14, as follows:

b=3 in. (76 mm) rear of seat reference point in horizontal plane at the longitudinal center line.
d=2 in. (51 mm) inside of protective structure to vertical center line of seat.
e=30 in. (762 mm) at the longitudinal centerline.
f=not greater than 4 in. (102 mm) measured forward of seat reference point (SRP) at the longitudinal centerline as shown in Fig. C–14.
g=24 in. (610 mm) minimum.
h=17.5 in. (445 mm) minimum.
J=2.0 in. (51 mm) measured from outer periphery of steering wheel.

(ii) The protective structure and connecting fasteners must pass the dynamic tests described in paragraph (e)(3) or (e)(4) of this section at a metal temperature of 0 degrees Farenheit or below, or exhibit Charpy V-notch impact strengths per the following:

10 mm x 10 mm specimen; 8 ft.-lb. at −20° F. (10.8J at −30° C)
10 mm x 5 mm specimen; 5 ft.-lb. at −50° F. (6.8J at −45° C)
10 mm x 2.5 mm specimen; 2 ft.-lb. at −70° F. (2.7J at −57° C)
(Reference: ASTM A370–68, "Standard Methods and Definitions Mechanical Testing of Steel Products.")

Specimens are to be "longitudinal" and taken from flat stock, tubular, or structural sections before forming or welding for use in the protective enclosure. Specimens from tubular or structural sections are to be taken from the middle of the side of greatest dimension, not to include welds.

(iii) Glazing shall conform to the requirements contained in Society of Automotive Engineers Standard SAE J674, Safety Glazing Materials.

(iv) Two or more operator exits shall be provided and positioned to avoid the possibility of both being blocked by the same accident.

(2) *Static test performance requirements.* The structural requirements will be generally met if FER >1 and the requirements contained in paragraph (e)(1) of this section are adhered to in both side and rear loads.

(3) *Dynamic test performance requirements.* The structural requirements will be generally met if the dimensions in paragraph (e)(1) of this section are adhered to in both side and rear loads.

(iv) *Field upset test performance requirements.* The requirements of paragraph (e)(1) of this section must be met in both side and rear upsets.

(Sec. 6(b), Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655), Secretary of Labor's Order No. 12–71, 36 FR 8754)

Signed at Washington, D.C., January 24, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

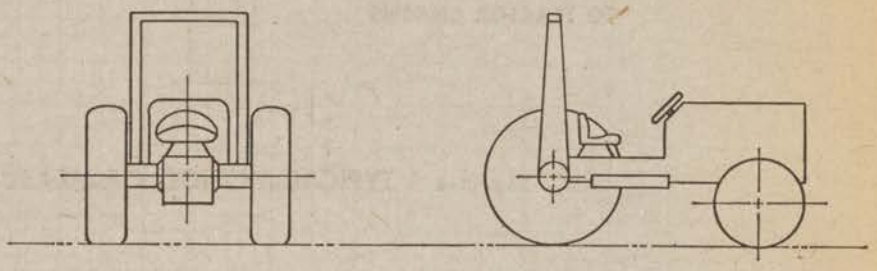

Fig. C-1 TRACTOR WITH TYPICAL PROTECTIVE FRAME

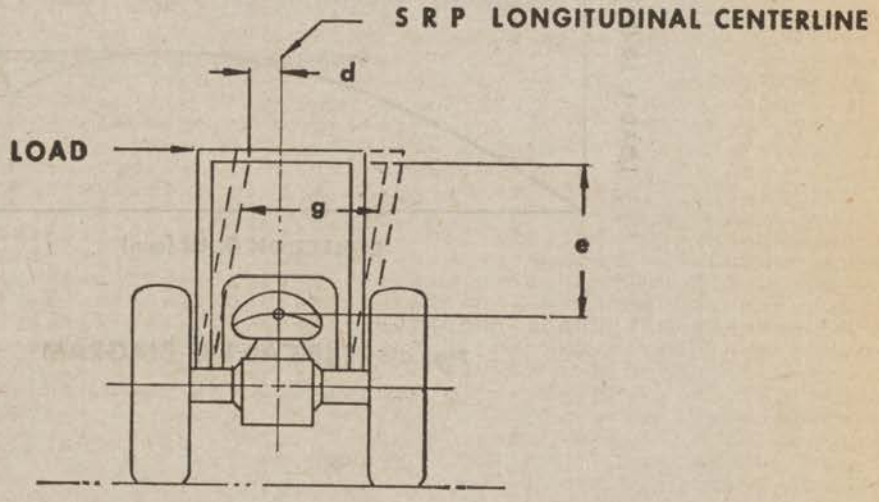

Fig. C-2 SIDE LOAD APPLICATION

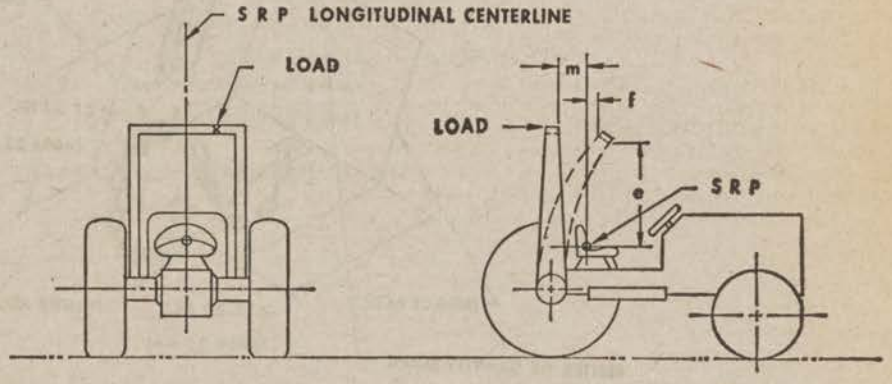

Fig. C-3 REAR LOAD APPLICATION

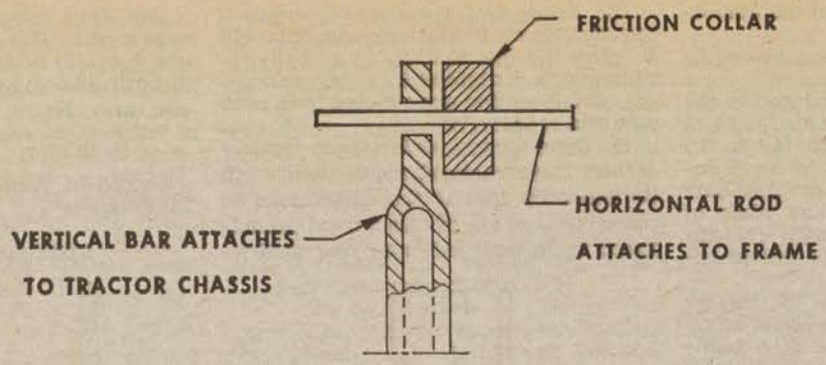

Fig. C-4 TYPICAL METHOD OF MEASURING DEFLECTION

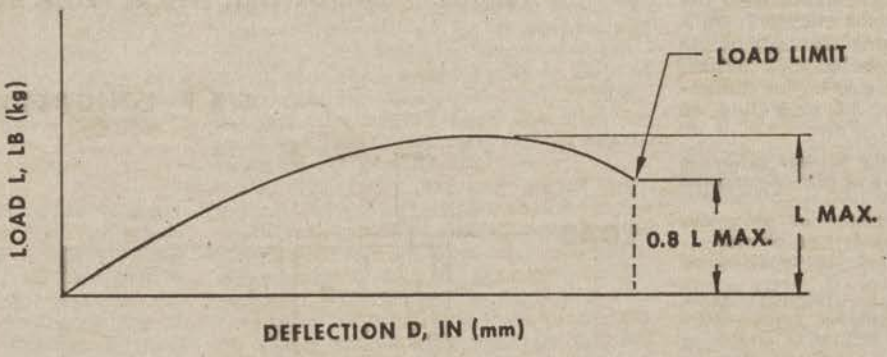

Fig. C-5 TYPICAL L-D DIAGRAM

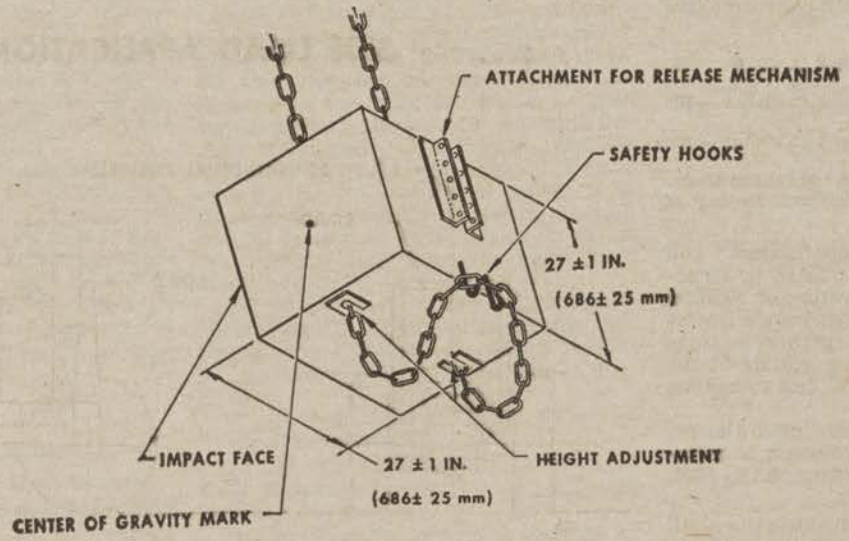

Fig. C-6 PENDULUM

NOTATION OF FORMULAE

H = 4.92 + 0.00190 W OR (H' = 125 + 0.107 W')

W = TRACTOR WEIGHT

IN POUNDS (W' = kg)

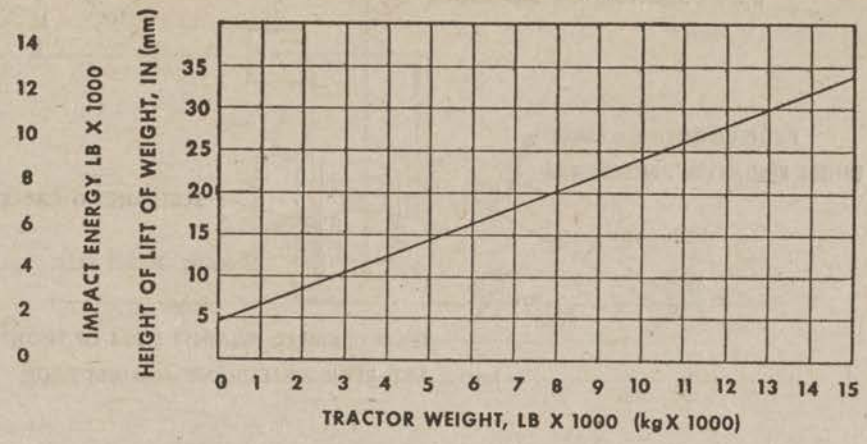

Fig. C-7 IMPACT ENERGY AND CORRESPONDING LIFT HEIGHT OF 4410 LB. (2000 kg) WEIGHT

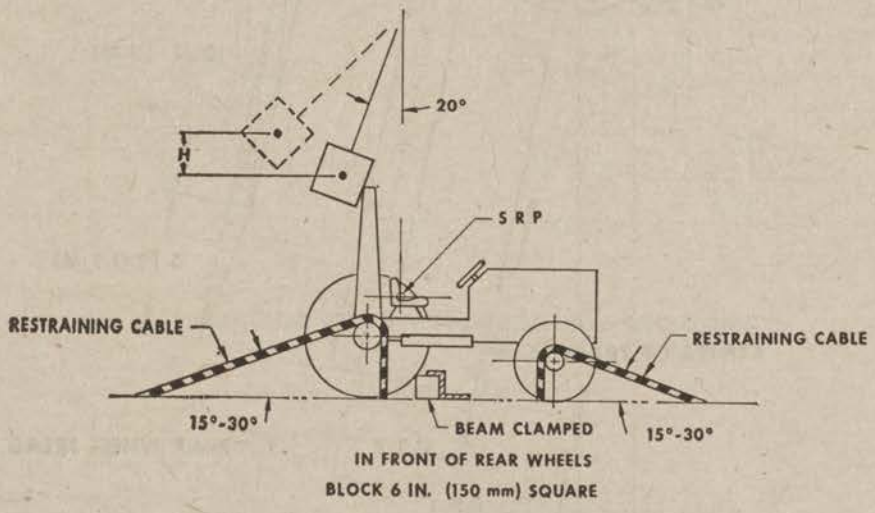

Fig. C-8 REAR IMPACT APPLICATION

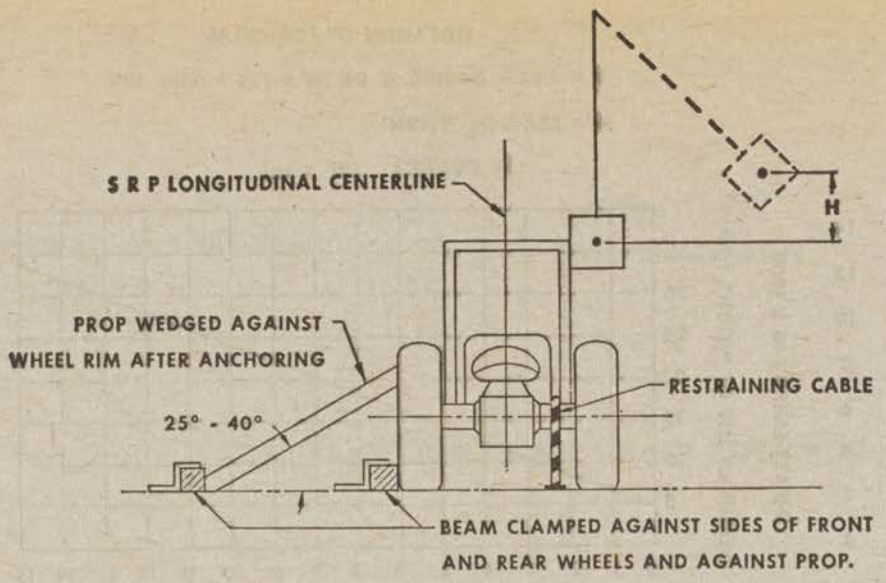

Fig. C-9 SIDE IMPACT APPLICATION

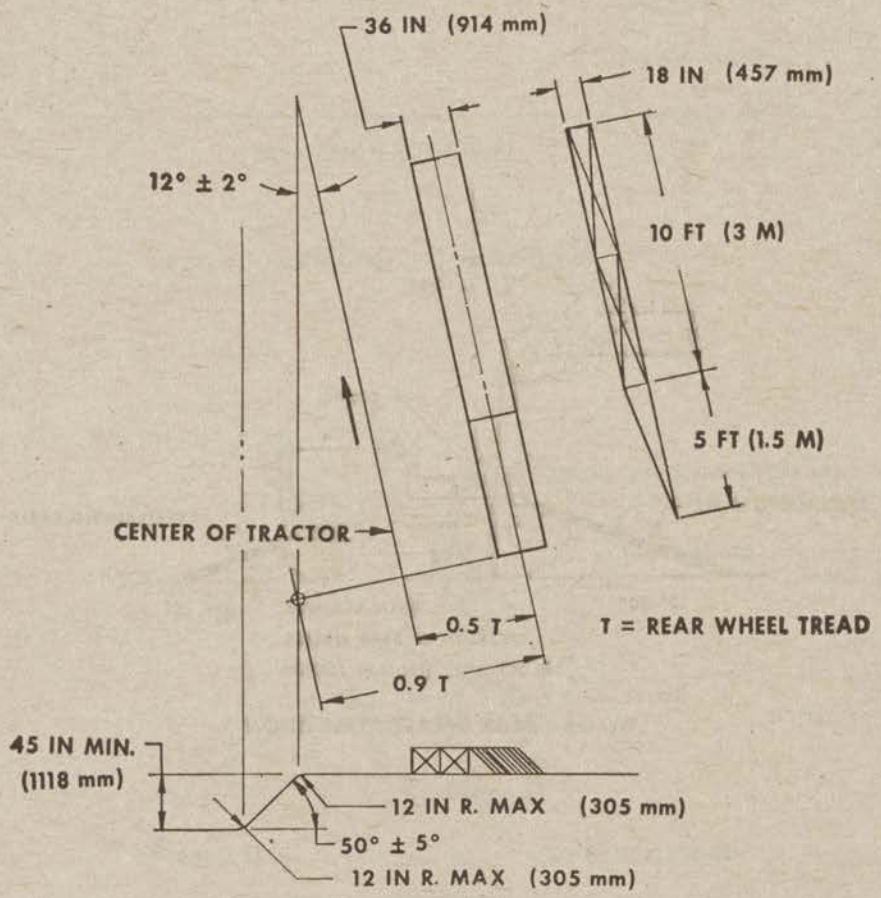

Fig. C-10 SIDE OVERTURN BANK AND RAMP

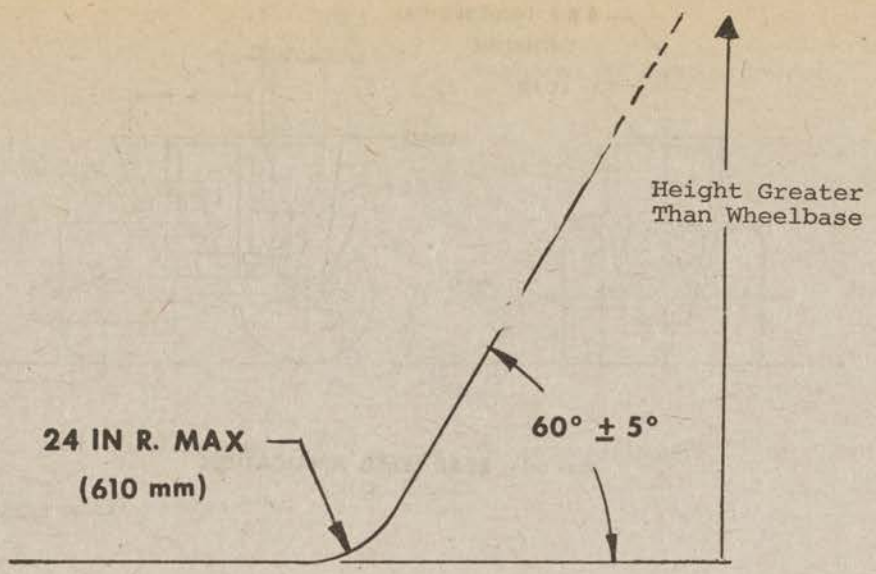

Fig. C-11 **TYPICAL REAR OVERTURN BANK**

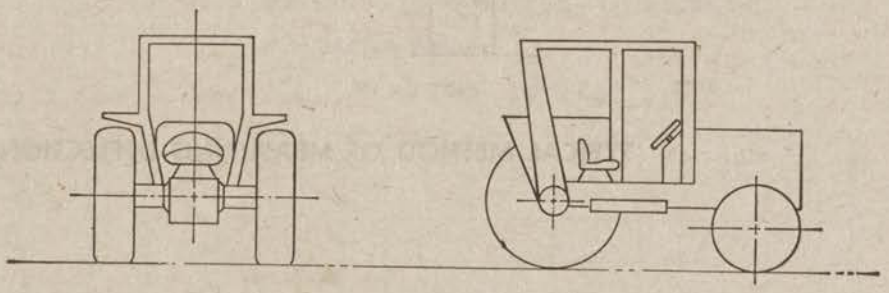

Fig. C-12 **TRACTOR WITH TYPICAL PROTECTIVE ENCLOSURE**

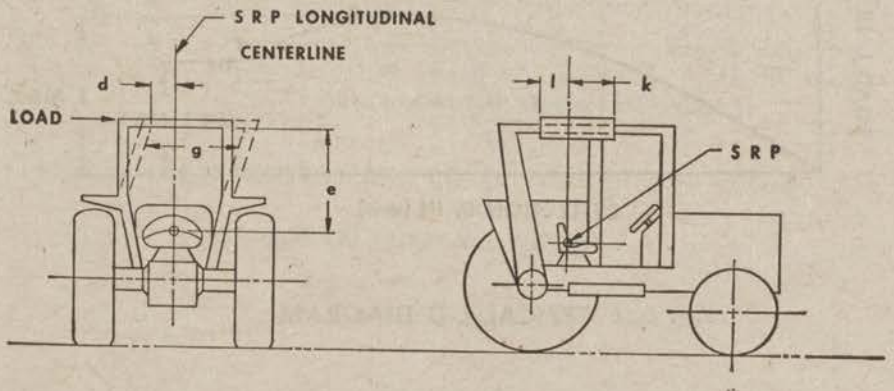

Fig. C-13 **SIDE LOAD APPLICATION**

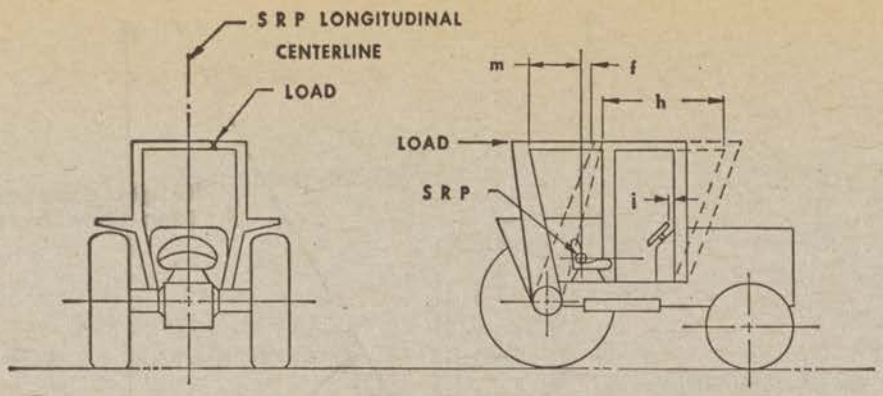

Fig. C-14 REAR LOAD APPLICATION

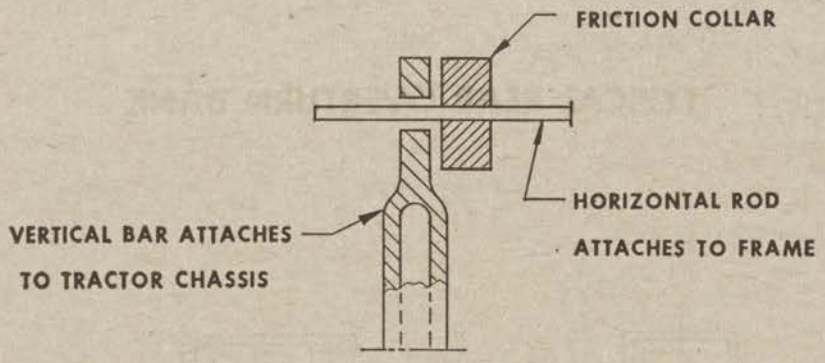

Fig. C-15 TYPICAL METHOD OF MEASURING DEFLECTION

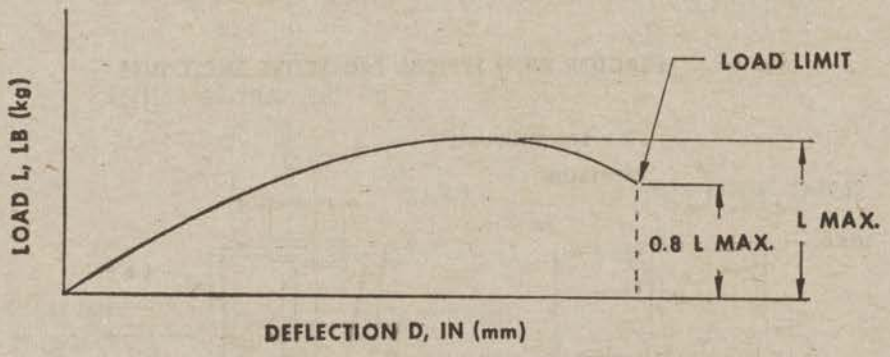

Fig. C-16 TYPICAL L-D DIAGRAM

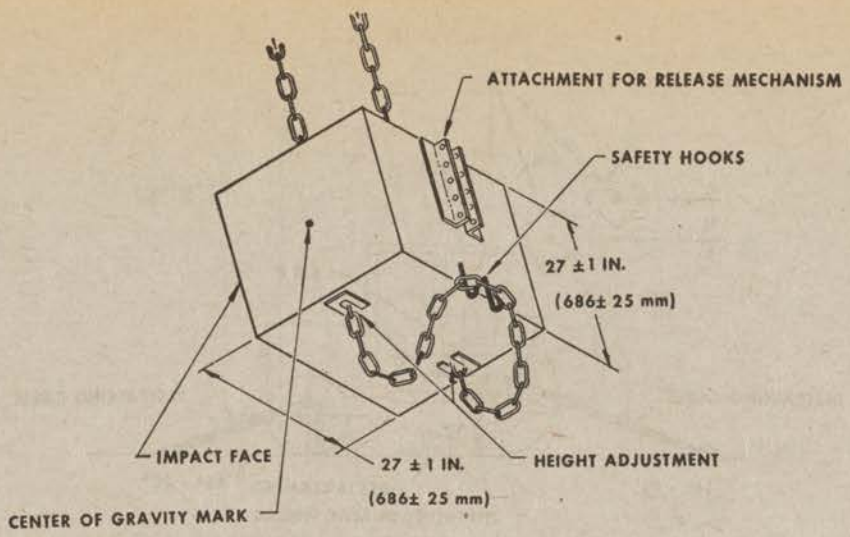

Fig. C-17 PENDULUM

NOTATION OF FORMULAE

H = 4.92 + 0.00190 W OR (H' = 125 + 0.107 W')

W = TRACTOR WEIGHT

IN POUNDS (W' = kg)

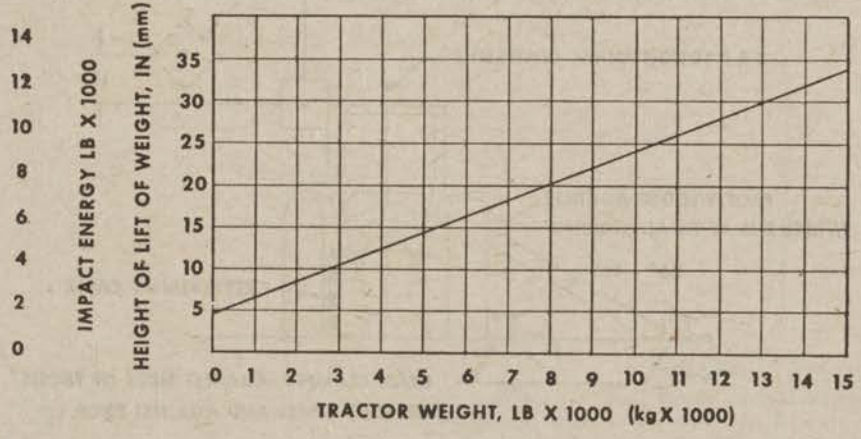

Fig. C-18 IMPACT ENERGY AND CORRESPONDING LIFT HEIGHT OF 4410 LB. (2000 kg) WEIGHT

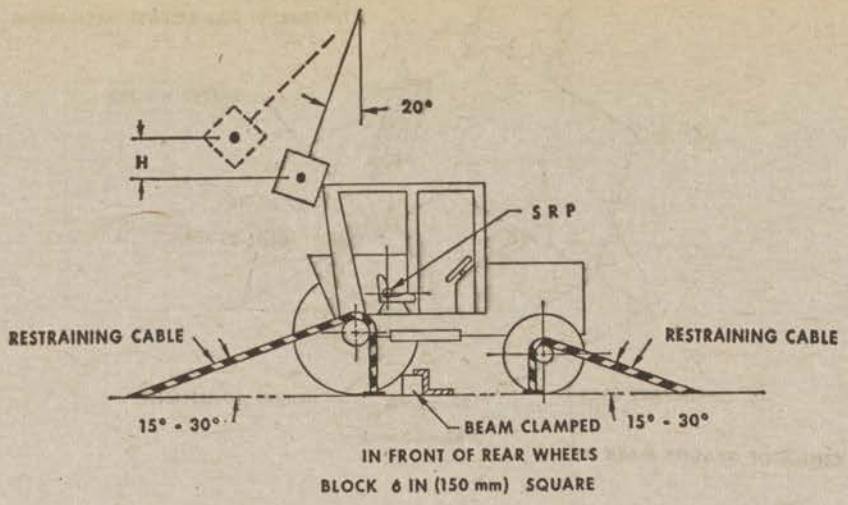

Fig. C-19 REAR IMPACT APPLICATION

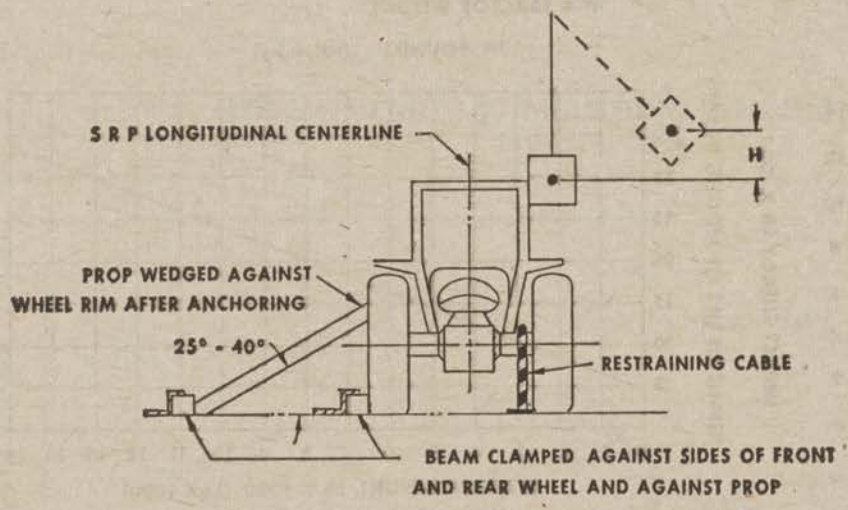

Fig. C-20 SIDE IMPACT APPLICATION

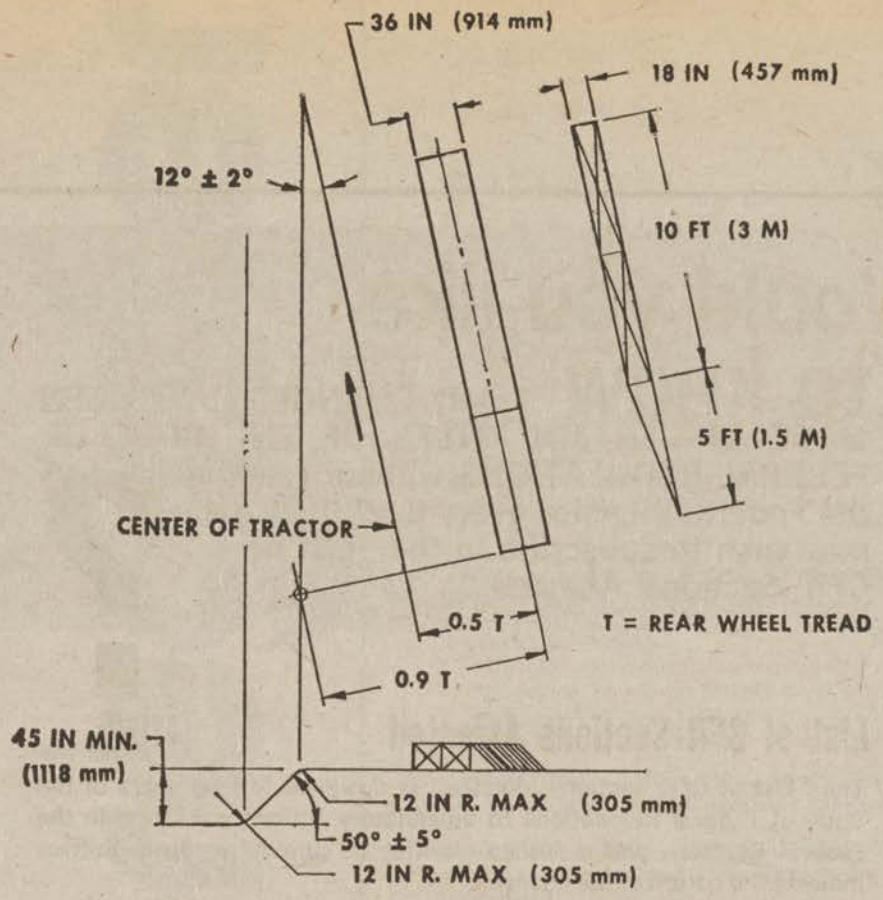

Fig. C-21 SIDE OVERTURN BANK AND RAMP

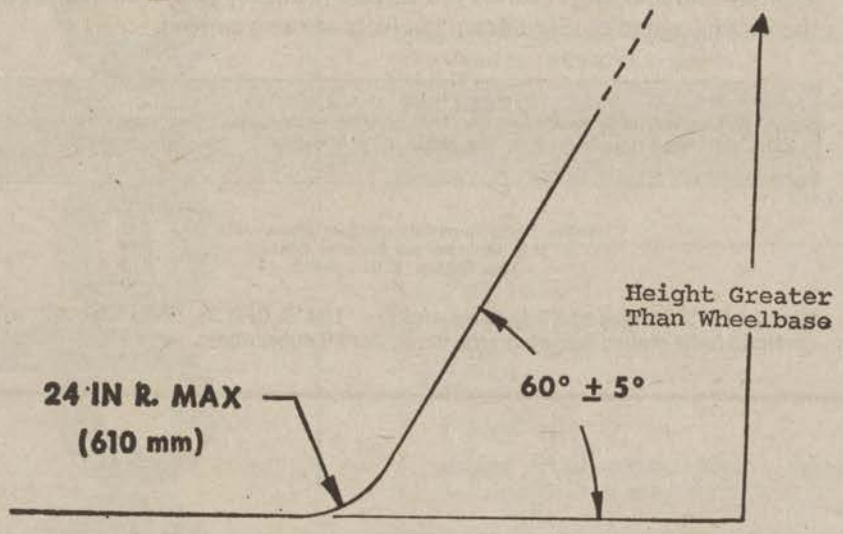

Fig. C-22 TYPICAL REAR OVERTURN BANK

[FR Doc.74-2570 Filed 2-1-74;8:45 am]