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# List of CFR Parts Affected

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

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

# Rules and Regulations



## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

### PART 213—EXCEPTED SERVICE

#### Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Associate Assistant Secretary for National Programs and one position of Special Assistant to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, are excepted under Schedule C.

Effective on March 25, 1974, § 213.3315 (a) (37) and (38) are added as set out below.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary*

* * * * *

(37) One Special Assistant to the Associate Assistant Secretary for National Programs, Occupational Safety and Health Administration.

(38) One Special Assistant to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration.

* * * * *

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

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

[FR Doc.74–6793 Filed 3–22–74;8:45 am]

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### PART 213—EXCEPTED SERVICE

#### Department of Labor

Section 213.3315 is amended to show that the title of one position of Secretary (Stenography), excepted under Schedule C, is changed to Office Management Assistant, excepted under Schedule C.

Effective on March 25, 1974, § 213.3315 (a) (3) is amended and (a) (39) is added as set out below.

**§ 213.3315 Department of Labor.**

(a) *Office of the Secretary.*

* * * * *

(3) One Private Secretary to each Assistant Secretary of Labor, who is appointed by the President except the Assistant Secretary for Occupational Safety and Health.

* * * * *

(39) One Office Management Assistant to the Assistant Secretary for Occupational Safety and Health.

* * * * *

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

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

[FR Doc.74–6792 Filed 3–22–74;8:45 am]

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### PART 213—EXCEPTED SERVICE

#### Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Secretary is re-established under Schedule C.

Effective on March 25, 1974, § 213.3316 (a) (2) is amended as set forth below.

**§ 213.3316 Department of Health, Education, and Welfare.**

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

(2) Two Confidential Assistants to the Secretary.

* * * * *

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

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

[FR Doc.74–6791 Filed 3–22–74;8:45 am]

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### PART 213—EXCEPTED SERVICE

#### Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following organizational redesignation: from Office of Assistant Secretary for Community Planning and Management, and Office of the Assistant Secretary for Community Development to Office of the Assistant Secretary for Community Planning and Development.

Effective on March 25, 1974, § 213.3384 (d) is amended and (e) is revoked as set out below.

**§ 213.3384 Department of Housing and Urban Development.**

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.* * * *

(3) Four Special Assistants to the Assistant Secretary.

* * * * *

(11) Deputy Assistant Secretary for Community Development.

(e) [Revoked]

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

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

[FR Doc.74–6790 Filed 3–22–74;8:45 am]

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## Title 6—Economic Stabilization

### CHAPTER I—COST OF LIVING COUNCIL

### PART 150—PHASE IV PRICE REGULATIONS

#### Ferroalloy Metals Exemption

The purpose of this amendment is to expand the exemption for nonferrous metals (§ 150.54(v)) under the Phase IV price regulations to include ferroalloy metals. Prior to this amendment, the exemption in § 150.54(v) specifically excluded ferroalloys.

This exemption is necessary to assure an adequate domestic supply of ferroalloy metals. A two-tiered pricing structure has developed which has encouraged an increase in exports of some domestically produced metals where the export price was significantly higher than the domestic price. This exemption will allow domestic prices to rise to levels which more closely parallel world price levels. The exemption should reduce the incentive to export and may encourage a return to normal domestic supply patterns.

A substantial segment of the ferroalloy industry was previously already exempt from Phase IV price controls following the January 25, 1974 action exempting prices charged for steel products listed in SIC Group No. 331 by manufacturers of those steel products who derive less than $50 million in annual sales and revenues from those steel products (§ 150.54(cc)). Ferroalloys are included among the items listed in Group 331. This amendment will grant an exemption to the ferroalloy metal producers who were not affected by the earlier steel exemption.

This exemption is also related to the exemption of ferrous scrap and ferrous alloy scrap (§ 150.54(p)) issued February 15, 1974. Ferrous scrap and ferrous alloy scrap are used in the production of certain ferroalloy metals. In addition, ferroalloy metals and ferrous alloy scrap metals are used in the production of iron and steel. This exemption will put these related materials in the same exempt status.

The ferroalloy industry is relatively small, with annual sales and revenues in 1973 estimated to be $400 million. The products of the industry make up a small percentage of the cost of most steel items.

Thus the direct impact of this exemption on steel prices should be minimal. Exemption should ease supply problems for certain ferroalloy items and steel items made from ferroalloy materials.

The amendment to § 150.54(v) removes language which provided that the nonferrous metals exemption did not apply to ferroalloys. Language is added to make clear that the exemption now applies to ferroalloys and to make more specific the definition of the term "ferroalloys" used in the section. Under this amendment, "ferroalloys" means metals listed in the Tariff Schedules of the United States (19 U.S.C. 1202) in Schedule 6, Part 2, Subpart B, paragraphs 2 (d) and (e). The most important metals listed in paragraph 2(e) include the ferroalloys of manganese, silicon, chromium and tungsten. Ferronickel, listed in paragraph 2(d), is already exempt and continues to be so. Because of its close relationship to the ferroalloys listed in paragraph 2(e) it has been included in the definition of "ferroalloys" used in the exemption. Although ferronickel continues to be exempt, specific references to the metal have been deleted from the regulation.

Metals not listed in the referenced headnote paragraphs of the Tariff Schedules are not affected by this amendment and remain under Phase IV price controls. These metals include all forms of pig iron, spiegeleisen, wrought iron, steel and alloy iron or steel.

Under § 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless in its most recent fiscal year it derived both less than $50 million in annual sales and revenues from the sale or lease of nonexempt items and 90% or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price controls in these industries if price behavior is inconsistent with the goals of the Economic Stabilization Program. The Council also has the authority, under § 150.162, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

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

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective March 21, 1974.

Issued in Washington, D.C., on March 21, 1974.

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

In 6 CFR Part 150, § 150.54(v) is amended to read as follows:

**§ 150.54 Certain price adjustments.**

* * * * *

(v) *Nonferrous metals (except aluminum and copper) and ferroalloys.* Prices charged for the nonferrous metal content of ores, tailings, and secondary (scrap) metals; for nonferrous metal waste products, by-products, residues and basic shapes, derived from the milling, smelting and refining of ores and nonferrous metals; and for ferroalloys are exempt except as hereinafter specified in this paragraph. This paragraph does not apply to:

(1) Gold, silver, copper or aluminum, except aluminum scrap; or

(2) Any nonferrous metal waste product, by-product, residue or basic shape whose raw material content by value is greater than 50% copper or aluminum, separately or in combination, whether from primary or secondary materials.

The products exempted are generally those listed in Group Nos. 103, 106 and 109 and Industry Nos. 3313, 3332, 3333, 3339, and 3341 and ferroalloys listed in Industry No. 3312 of the Standard Industrial Classification Manual, 1972 Edition. For purposes of this paragraph, "ferroalloys" means the metals described in Schedule 6, Part 2, Subpart B, paragraphs 2(d), and (e) of the Tariff schedules of the United States (19 U.S.C. 1202).

* * * * *

[FR Doc.74-6956 Filed 3-21-74;4:57 pm]

## PART 150—PHASE IV PRICE REGULATIONS

## PART 152—PHASE IV PAY REGULATIONS

### Exemption of Unconcentrated Machinery Industries

The purpose of this amendment is to exempt prices charged by manufacturers for machinery in certain unconcentrated industries and to add a parallel exemption in the pay regulations. The items exempt are described in the Standard Industrial Classification Manual, 1967 Edition, under the following Industry Numbers:

3535 (Conveyors and Conveying Equipment).
3541 (Machine Tools, Metal Cutting Types).
3542 (Machine Tools, Metal Forming Types).
3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures).
3545 (Machine Tool Accessories and Measuring Devices).
3551 (Food Products Machinery).
3559 (Special Industry Machinery, Not Elsewhere Classified).
3561 (Pumps, Air and Gas Compressors, and Pumping Equipment).
3564 (Blowers and Exhaust and Ventilation Fans).
3565 (Industrial Patterns).
3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings).
3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified).
3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment).
3589 (Service Industry Machines, Not Elsewhere Classified).
3599 (Miscellaneous Machinery, Except Electrical).
3642 (Lighting Fixtures).
3644 (Noncurrent-Carrying Wiring Devices).
3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus).
3679 (Electronic Components and Accessories, Not Elsewhere Classified).
3699 (Electrical Machinery, Equipment and Supplies, Not Elsewhere Classified).

There are three reasons for exempting machinery in these industries from the Phase IV price regulations. First, future price increases in these industries are expected to be constrained because of their competitive nature. Shipments in these industries are dispersed among a relatively large number of individual firms and in no instance does a single firm produce more than 10 percent of the industry's output. Second, since August 1971, no industry in this group has had an annual rate of price change above 4.7 percent. Finally, decontrol will lessen the possibility that companies in these industries will increase exports, which result in domestic shortages.

In developing the list of items, the sale of which is exempt under this amendment, the Council relied on the SIC Manual Code system. Only the sale by the manufacturer of the specific items listed under the Industrial Numbers cited is exempt. Other items which may be generically similar but are not listed do not come within the scope of this amendment. Furthermore, for purposes of this amendment the 1967 edition of the SIC Manual is used.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both

less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry. The exemption is set forth in new § 152.39e. "Establishment in an unconcentrated machinery manufacturing industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1967 edition, under Industry Number 3535 (Conveyors and Conveying Equipment), 3541 (Machine Tools, Metal Cutting Types), 3542 (Machine Tools, Metal Forming Tapes), 3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures), 3545 (Machine Tool Accessories and Measuring Devices), 3551 (Food Products Machinery), 3559 (Special Industry Machinery, Not Elsewhere Classified), 3561 (Pumps, Air and Gas Compressors, and Pumping Equipment), 3564 (Blowers and Exhaust and Ventilation Fans), 3565 (Industrial Patterns), 3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings), 3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified), 3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment), 3589 (Service Industry Machines, Not Elsewhere Classified), 3599 (Miscellaneous Machinery, Except Electrical), 3642 (Lighting Fixtures), 3644 (Noncurrent-Carrying Wiring Devices), 3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus), 3679 (Electronic Components and Accessories, Not Elsewhere Classified), or 3699 (Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified), and primarily engaged in the manufacture of any products classified under such Industry Numbers. The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to an unconcentrated machinery manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another exempted industry. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In addition, the exemption is inapplicable to any appropriate employee unit subject to a Decision and Order of the Council for the period covered by such Decision and Order. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

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

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

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

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 20, 1974.

Issued in Washington, D.C., on March 20, 1974.

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

1. In 6 CFR Part 150, § 150.58 is amended to add a new paragraph (d) to read as follows:

**§ 150.58 Certain price adjustments.**

* * * * *

(d) *Unconcentrated machinery industries.* The prices which manufacturers of the following products charge for those products are exempt: products listed in the Standard Industrial Classification Manual, 1967 edition, under Industry Numbers 3535, 3541, 3542, 3544, 3545, 3551, 3559, 3561, 3564, 3565, 3566, 3569, 3585, 3589, 3599, 3642, 3644, 3662, 3679, and 3699.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39e to read as follows:

**§ 152.39e Unconcentrated machinery manufacturing industries.**

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in an unconcentrated machinery manufacturing industry.* For purposes of this section, "Establishment in an unconcentrated machinery manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1967 edition, under Industry Number 3535 (Conveyors and Conveying Equipment), 3541 (Machine Tools, Metal Cutting Types), 3542 (Machine Tools, Metal Forming Types), 3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures), 3545 (Machine Tool Accessories and Measuring Devices), 3551 (Food Products Machinery), 3559 (Special Industry Machinery, Not Elsewhere Classified, 3561 (Pumps, Air and Gas Compressors, and Pumping Equipment), 3564 (Blowers and Exhaust and Ventilation Fans), 3565 (Industrial Patterns), 3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings), 3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified), 3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment), 3589 (Service Industry Machines, Not Elsewhere Classified), 3599 (Miscellaneous Machinery, Except Electrical), 3642 (Lighting Fixtures), 3644 (Noncurrent-Carrying Wiring Devices), 3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus), 3679 (Electronic Components and Accessories, Not Elsewhere Classified), or 3699 (Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified), and primarily engaged in the manufacture of any products classified under such Industry Numbers.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation only if such employee is employed at an establishment in an unconcentrated machinery manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) Pay adjustments with respect to an appropriate employee unit which is subject to a Decision and Order of the Council for the period covered by such Decision and Order.

(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to an unconcentrated machinery manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside an unconcentrated machinery manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart, or in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 20, 1974.

[FR Doc.74-6957 Filed 3-21-74;4:58 pm]

## PART 152—COST OF LIVING COUNCIL, PHASE IV PAY REGULATIONS

### Aerospace Tandem Pay Adjustments; Special Rule

On January 13, 1972, the Pay Board adopted a Resolution reducing from 51 cents to 34 cents an hour (except for one case involving 51 cents to 35 cents an hour) proposed wage increases scheduled in contracts between certain employers in the Aerospace Industry and collective bargaining agents representing certain employees in that industry. These collective bargaining agreements were regarded as "leader" or front-runner agreements. They set the pace for pay increases scheduled for other employees in the same industry which included both employees under contract and employees not covered by a contract.

After deciding on the leader contracts, the Pay Board processed several hundred cases involving "follower" appropriate employee units (AEU's) of aerospace employees. In order to prevent gross inequities and disruption of established historical wage relationships, the Pay Board's decisions on follower units either approved scheduled increases equal to the increases approved for the leader units or cut back scheduled increases to the amounts approved for the leader units. In some cases the Pay Board approved percentage increases for follower AEU's that were equal to the percentage increase 34 cents (35 cents) per hour would have represented in a leader AEU. In still other cases the Pay Board approved cents per hour increases or percentages for follower units that were "tandem to a tandem" (a follower of a follower of a leader) in the Aerospace Industry.

On June 21, 1973, the Temporary Emergency Court of Appeals of the United States in the case of Boldt v. UAW and IAM (482 F. 2d 985), affirmed a Decision of the United States District Court for the District of Columbia and directed the Cost of Living Council in its capacity as successor to the Pay Board to reconsider the Pay Board Resolution of January 13, 1972 as it affected certain AEU's involved in the litigation. Pursuant to the Court's order, on December 12, 1973, the Council issued a new series of decisions and orders applicable to all AEU's (not just those covered by the litigation) involved as leaders in the January 13, 1972 Resolution of the Pay Board. These subsequent decisions by the Council permitted payment of the 17 cents (16 cents) per hour cut back by the Pay Board to be made under certain prescribed "definitions and procedures."

Upon request for reconsideration, the Council on February 15, 1974 affirmed, with slight modification, the December 12, 1973 decisions and orders. The modifications were made in certain leader decisions to make uniform among all leader units the method of computing the allowable payment of amounts previously cut back.

The purpose of the special rule set forth below is to provide guidance and establish conditions for the payment of comparable amounts to employees in AEU's that follow the leader units involved in the Aerospace Decisions. The special rule is included as an appendix to subpart B of Part 152. Generally, the rule provides that an employer and the collective bargaining representative of employees, if any, may jointly certify to the Council that a follower unit is entitled to receive payment of amounts comparable to the amounts payable under the leader Aerospace Decisions. After expiration of a 30-day period following certification in the manner prescribed in the rule, an employer may assume approval by the Council to make payments unless the Council within that period notifies the employer that payments have been approved or that payments should not be made.

The special rule provides "definitions and procedures" that are comparable to those made part of the leader Aerospace Decisions. These include provisions relating to the determination of "eligible employees," the method of computation, and schedule of payments. If an employer and union do not jointly certify, and a party at interest believes payments should be made, provision has been made for that party to request a determination from the Council. All submissions, whether certifications or requests for determination, are required to be submitted in duplicate to the Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

Because the purpose of this special rule is to provide immediate guidance and procedures for making retroactive payments pursuant to a decision of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this special rule effective in less than 30 days.

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

In consideration of the foregoing, Part 152 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective March 21, 1974.

Issued in Washington, D.C., on March 21, 1974.

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

In 6 CFR Part 152, subpart B is amended by adding an appendix thereto which reads as follows:

APPENDIX

SPECIAL RULE FOR AEROSPACE TANDEM PAY ADJUSTMENTS

1. *Scope.* This special rule is applicable only to certain pay adjustments affecting a follower appropriate employee unit (AEU) that has an established historical wage relationship to the pay adjustments in a leader AEU in the Aerospace Industry. Generally, an AEU eligible to apply this rule must have an established historical wage relationship to an AEU covered by the Aerospace Decisions of the Pay Board and Cost of Living Council. This rule applies to AEU's subject to collective bargaining agreements and to AEU's covered by pay practices. In the case of AEU's subject to collective bargaining agreements, the amounts payable under this rule must relate to services performed for the employer in the first year of a follower contract which is tandem to a leader contract covered by the Aerospace Decisions. In the case of AEU's not covered by a collective bargaining agreement, the amounts payable under this rule with respect to a follower unit must relate to services performed for the employer during the period of time (established as part of the historical wage relationship) that is comparable to the period with respect to which amounts are payable under the Aerospace Decisions (or this rule) for services performed by a leader unit. This rule shall not apply to any follower unit unless such follower unit was the subject of a decision and order of the Pay Board which approved or reduced a proposed increase in recognition of an established wage relationship to a leader unit in the Aerospace Industry.

2. *Leader units.* The Aerospace Decisions affecting leader units were issued by the Pay Board (as a Resolution) on January 13, 1972 and by the Council on December 12, 1973 and February 15, 1974. These decisions affected the following employers and union locals:

a. The Boeing Company and IAMAW Lodges 70, 751, and 2061.

b. Lockheed Aircraft Corporation and IAMAW Lodges 151, 166, 508, 709, 727, 843, 843-A, 1027, 1323, 1589, 2217, 2225, 2226, 2227, 2228, 2229, 2230, 2260, 2279, 2311, 2314, and 2386.

c. LTV Aerospace Corporation and UAW Local 848.

d. McDonnell Douglas Corporation and IAMAW Lodges 720 and 1578.

e. McDonnell Douglas Corporation and UAW Locals 148 and 1093.

f. Rockwell International and UAW Locals 887, 927, 1334, and 1519.

3. *Definitions and procedures.* Any payments made under this special rule shall be subject to the following definitions and procedures:

a. The term "eligible employees" means—

(1) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who were on the active payroll of the employer on December 12, 1973.

(2) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year retired under a Company Pension Plan.

(3) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year were placed on approved leave of absence and were on leave of absence on December 12, 1973.

(4) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year were laid off for lack of work, have recall rights, and were not on the active payroll on December 12, 1973.

(5) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year entered the military service and were not active employees on December 12, 1973 as a result of such military service.

(6) The estates of deceased eligible employees, including retirees, who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice).

b. The term "eligible employees" shall not include employees who voluntarily left the employer's employment or were discharged for cause after the beginning of the first year covered by the follower contract (or comparable period in the case of a pay practice) and prior to December 13, 1973, unless such employee was subsequently reemployed during such first year (in which case he shall be considered eligible for payment only with respect to the period worked subsequent to such reemployment within such first year).

c. Eligible employees who voluntarily leave the employer's employment or are discharged for cause after December 12, 1973, shall not become ineligible by reason thereof, but shall remain eligible to receive payments as provided in this special rule.

d. Unless otherwise specified by the Council and except as provided in paragraph 3.e. below, amounts due each eligible employee shall be paid in not fewer than four equal payments, in a manner agreed upon by the employer and collective bargaining representative, if any. The fourth payment shall be made in December, 1974.

e. Payment of money due an eligible employee shall not be made in a single lump sum payment, except that a lump sum payment may be made where payment is to the estate of a deceased eligible employee or where the total payment due an eligible employee is less than 75 dollars.

f. The employer shall notify each eligible employee not on the active payroll on December 12, 1973 of the amount he is entitled to receive under the terms of this special rule, by addressing a letter sent via regular mail to his last address of record with the employer. The letter shall inform the employee that he must assert in writing his claim for such amount, and that such claim must be received by the employer not later than 45 calendar days after the date of such notice. In lieu of the foregoing notification requirement, an employer may elect to send to each such eligible employee a check for the amount due under paragraph 3.d. or 3.e. by regular mail to the last address of record with the employer. However, any checks returned shall not be destroyed until the expiration of 45 calendar days after the date of such mailing. Any employee eligible for payment who was notified as required in this paragraph and who does not file a written claim within the 45 day period shall be deemed ineligible for payment under the provisions of this rule.

g. The employer shall publish once in its house organ notice of these terms under which an employee may receive an additional payment for services performed during the first year covered by the follower contract (or comparable period in the case of a pay practice).

h. Each union representing eligible employees shall likewise cause to be published in its publication, if any, a notice similar to that referred to in paragraph 3.g. of this rule.

i. The amount of payment to each eligible employee covered by a tandem collective bargaining agreement shall not exceed an amount computed by multiplying the number of hours which were actually worked by 17 cents (16 cents in the case of AEU's that follow LTV Aerospace Corporation and UAW Local 848). However, to the extent that such hours actually worked were considered as overtime hours under a collective bargaining agreement, the overtime premium payment as provided for in such collective bargaining agreement may be applied to the 17 cents (16 cents) computation (e.g., if such hours were paid for at one and one-half times the employee's regular rate, such hours may be multiplied by 25.5 cents (24 cents) rather than 17 cents (16 cents)). The computation set forth in the two preceding sentences shall include only those hours which were actually worked and shall not include hours which were paid for but not worked such as vacations, holidays, and sick and injury pay. Employees who did not work during the first year of the follower contract are not entitled to any payment of the amount of the proposed adjustment which is in excess of 34 cents (35) cents per hour under this rule. In any case in which a Pay Board decision and order applicable to the first year of a follower contract permitted, in lieu of disallowance, a portion of the 17 cents (16 cents), or percentage representing such amount, to be applied to qualified benefits for the follower AEU, the amount paid under this special rule shall not exceed the difference between such 17 cents (16 cents) (or percentage representing such amount) and the amount (or percentage) previously allowed by the Pay Board to be allocated to qualified benefits. In no case shall an amount (or percentage representing such amount) computed under this rule exceed the amount (or percentage) originally agreed to by the parties with respect to work performed in the first year of the follower contract.

j. In the case of payments to eligible employees in follower AEU's not covered by a collective bargaining agreement (including employees paid on a random or variable timing basis, e.g., pursuant to a merit plan), the aggregate payment (or percentage representing such payment) to such eligible employees shall be computed in such a manner as to be equivalent to the amount which preserves or maintains the established historical relationship between the follower unit and the leader unit traditionally followed.

4. *Certifications.* An employer and collective bargaining representative, if any, proposing to implement pay adjustments pursuant to this rule may determine that employees in an AEU are eligible to receive payments equivalent to those received by eligible employees covered by the Aerospace Decisions. Before implementing any pay adjustments, however, the employer and collective bargaining representative, if any, shall jointly file with the Council a certified statement attesting that such employees are eligible to receive payments under this rule. Such certification shall specify that the follower AEU has an established historical relationship to a specified leader AEU covered by the Aerospace Decisions (or in certain situations, such as a "tandem to a tandem," to a leader unit which itself is a follower of a leader unit covered by the Aerospace Decisions). Such certification shall also specify that the follower AEU was covered by a decision and order of the Pay Board which approved or reduced a proposed increase in recognition of an established wage relationship to a leader unit in the Aerospace Industry. In addition, such certification shall be accompanied by a copy of the follower collective bargaining agreement, if any, and include information with respect to the total number of hours worked, number of eligible employees, and total amounts proposed to be paid. The Council shall review each certified statement to determine whether the conditions for payment have been met. If the submission is incomplete, or if the Council for any other reason determines that payment under this rule should be suspended or withheld, the Council shall notify the employer and collective bargaining representative, if any, of the reasons for withholding payment at this time and shall treat the submission as a request for determination in the manner prescribed in paragraph 5. No payment under this rule shall be made until the expiration of 30 calendar days after the date certification has been received by the Council, unless the Council notifies the employer, in writing, that earlier payment may be made. If the Council has not within that period notified the employer and union, if any, to refrain from making payment, such proposed payments shall be deemed to be approved by the Council. Every certification must be accompanied by a copy of the decision and order of the Pay Board with respect to the AEU covered by such certification and shall include the name, address, and telephone number of each person signing such certification.

5. *Requests for determination.* If an employer and the union representing employees do not jointly certify in the manner prescribed in paragraph 4, either party may request a determination by the Council whether a particular AEU may receive the payments authorized under this rule. The Council will review the submission and make an appropriate determination. However, the Council will not process a request for determination unless the request includes a certification that a copy of the request was served upon all parties at interest. No payment under the rule shall be made following the submission of a request for determination under this paragraph until the Council specifically authorizes the employer, in writing, that payments may be made.

6. *Filing procedures.* Every joint certification or request for determination shall be submitted in duplicate and shall be sent to the Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044. Each submis-

sion and the envelope containing such submission shall be clearly designated in capital letters as AEROSPACE TANDEM CERTIFICATION or AEROSPACE TANDEM REQUEST FOR DETERMINATION, as appropriate.

7. *Effective date.* This rule shall be effective on and after March 21, 1974.

[FR Doc.74-6939 Filed 3-21-74;4:06 pm]

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[APPENDIX; RULINGS]

[Phase IV Price Ruling 1974-4]

## Public Utility Rate Exemption—Natural Gas Producers

*Facts.* Firm N produces natural gas. During Phases II and III Firm N was subject to the price control regulations which applied to public utilities.

The Phase IV price regulations, 6 CFR 150.56, provide an exemption for the rate increases for commodities or services provided by a public utility. Phase IV Price Ruling 1973-6 explained that the exemption in § 150.56 is applicable to certain activities classified in Division E of the Standard Industrial Classification Manual, 1972 edition. The only activities related to natural gas production which appear in Division E are mixed natural and "manufactured" gas production, "manufactured" gas production, and combined gas-electric service (listed in Group Nos. 492 and 493). Natural gas production is listed in Division B of the Standard Industrial Classification Manual.

*Issue.* Are the rates charged by N within the purview of the public utilities exemption of 6 CFR 150.56?

*Ruling.* Yes. Natural gas producers were subject to the public utility regulations of Phase II and Phase III and are subject to State and Federal public utilities regulations. Firms engaged in transmission of natural gas, distribution of natural gas and sale of natural gas service to consumers are classified within Division E. of the SIC Manual, and rates charged by these firms are exempt from Phase IV price controls as utility rates.

It was not the intention of the Council in exempting rate increases by public utilities under § 150.56, as interpreted by Phase IV Price Ruling 1973-6, to treat natural gas production in a manner inconsistent with its treatment as a public utility under Phases II and III or to make a distinction between natural gas production and its distribution and sale to consumers for purposes of Phase IV exemptions. Nor did the Council intend to distinguish between production of "manufactured" or "mixed" gas and the production of natural gas. Rate increases charged by natural gas producers are therefore exempt under Phase IV by operation of 6 CFR 150.56.

To the extent that Phase IV Price Ruling 1973-6 is inconsistent herewith, this ruling prevails.

ANDREW T. H. MUNROE,
*General Counsel,*
*Cost of Living Council.*

MARCH 20, 1974.

[FR Doc.74-6920 Filed 3-21-74;2:49 pm]

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## Title 7—Agriculture

## SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

## PART 6—IMPORT QUOTAS AND FEES

### Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 72 to 78 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) will be increased as of April 1, 1974.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is revised to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 78 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations," is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 78 cents per pound.

The foregoing amendment shall be effective April 1, 1974. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 72 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before March 25, 1974. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 20th day of March 1974.

EARL L. BUTZ,
*Secretary.*

[FR Doc.74-6818 Filed 3-22-74;8:45 am]

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

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

### Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.617 Navel Orange Regulation 317.

(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 this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is unsettled. Prices f.o.b. averaged $3.36 a carton on a reported sales volume of 1,569 carlots last week, compared with an average f.o.b. price of $3.43 per carton and sales of 1,301 carlots a week earlier. Track and rolling supplies at 790 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed 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 rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1974 through March 28, 1974 are hereby fixed as follows:

(i) District 1: 1,395,000 cartons;

(ii) District 2: 155,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 21, 1974.

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

[FR Doc.74–6909 Filed 3–21–74;12:26 pm]

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[Valencia Orange Regulation 456]

## PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 22–28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

### § 908.756 Valencia Orange Regulation 456.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Aricultural 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 Valencia 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 Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that prices f.o.b. averaged $2.74 per carton on a reported sales volume of 64 carlots last week, compared with an average f.o.b. price of $3.15 per carton and sales of 67 carlots a week earlier.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed 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 rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1974, through March 28, 1974, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 75,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated: March 21, 1974.

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

[FR Doc.74–6908 Filed 3–21–74;12:26 pm]

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

[Milk Order No. 96]

## PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

### Order Suspending Certain Provisions

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

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 7592) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and

arguments thereon. None was filed in opposition to the proposed suspension.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of April through July 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act.

All of the language in § 1096.51(b) except the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1096.50. * * *

STATEMENT OF CONSIDERATION

This suspension will result in establishing the Minnesota-Wisconsin manufacturing milk price as the Class II price under the order. The Class II price is now the lesser of the Minnesota-Wisconsin price or a butter-powder (nonfat dry milk) formula price.

The suspension was requested by cooperative associations representing a majority of the producers in the market. As contended by these producer groups, the butter-powder formula price, which in recent months has been the applicable Class II price under the order, does not reflect the actual value of Class II milk in the Northern Louisiana market. Reserve supplies of milk are being disposed of at a value generally equivalent to the Minnesota-Wisconsin price.

In the Department's decisions issued February 19, 1974 (39 FR 8202, 8452, 8712, 9012), it was concluded that the Minnesota-Wisconsin price should be adopted as the surplus price in 39 markets, including the Northern Louisiana market. Final action on the 39-market proceedings is still pending. In this circumstance, the butter-powder formula price should be suspended from the Class II price formula until the amendment procedure can be completed.

Moreover, the suspension will make the State and Federal regulations applicable in the Northern Louisiana market more uniform with respect to the pricing of surplus milk. On December 1, 1974, the Louisiana State Milk Commission, under the State's pricing regulations, began pricing surplus milk at the Minnesota-Wisconsin price.

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

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

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

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. None was filed in opposition to the proposed suspension. Moreover, it carries out the intent of the final decisions issued by the Department on February 19, 1974, in which it was concluded that the Minnesota-Wisconsin price should be adopted as the surplus price in 39 markets, including this market.

Therefore, good cause exists for making this order effective April 1, 1974.

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

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

*Effective date:* April 1, 1974.

Signed at Washington, D.C., on March 20, 1974.

J. PHIL CAMPBELL,
*Under Secretary.*

[FR Doc.74-6773 Filed 3-22-74;8:45 am]

## CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1974-Crop Oats Supplement]

### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

### 1974-Crop Oats Loan and Purchase Program

On August 29, 1973, the U.S. Department of Agriculture announced loan rates for 1974-crop oats based on a national average of 54 cents per bushel. Support rates, at the county level for 1974-crop oats, reflect adjustments necessary to improve the loan rate relationship with historical cash oat prices received by farmers. Support rates, as established, reflect the previously announced national average loan rate unchanged from the 1973 crop. Therefore, it is found and determined that compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest.

The General Regulations Governing Price Support for 1970 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Oats Loan and Purchase Regulations, published at 35 FR 8340 and any amendments to such regulations are further supplemented for the 1974 crops of oats. The material previously appearing in these §§ 1421.270 through 1421.274 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272. Maturity of loans.
1421.273 Deduction of storage charges.
1421.274 Loan and purchase rates.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

### § 1421.270 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crops Oats Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1974 crop of oats.

### § 1421.271 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974-crop of eligible oats on or before April 30, 1975, in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1975, in all other States. To sell eligible oats to CCC, a producer must execute and deliver to the appropriate county ASCS office a purchase agreement (Form CCC-614), indicating the approximate quantity of 1974-crop oats he will sell to CCC, on or before May 31, 1975, in the States named in this section and on or before April 30, 1975, in all other States.

### § 1421.272 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1975, and loans on oats stored in all other States mature on April 30, 1975.

### § 1421.273 Deduction of storage charges.

Subject to the provisions of § 1421.252, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the uniform storage agreement.

| Maturity date April 31, 1975 | Deduction (cents per bushel) | Maturity date May 31, 1975 |
|---|---|---|
| (1) | 1 | |
| Prior to May 21, 1974 | 12 | Prior to June 21, 1974. |
| May 21 to June 19, 1974 | 11 | Jan. 21 to July 20, 1974 |
| June 20 to July 19, 1974 | 10 | July 21 to Aug. 19, 1974. |
| July 20 to Aug. 18, 1974 | 9 | Aug. 20 to Sept. 18, 1974. |
| Aug. 19 to Sept. 17, 1974. | 8 | Sept. 19 to Oct. 18, 1974. |
| Sept. 18 to Oct. 17, 1974 | 7 | Oct. 19 to Nov. 17, 1974. |
| Oct. 18 to Nov. 16, 1974 | 6 | Nov. 18 to Dec. 17, 1974. |
| Nov. 17 to Dec. 16, 1974. | 5 | Dec. 18, 1974, to Jan 16, 1975. |
| Dec. 17, 1974, to Jan. 15, 1975. | 4 | Jan. 17 to Feb. 15, 1975. |
| Jan. 16 to Feb. 14, 1975 | 3 | Feb. 16 to Mar. 17, 1975. |
| Feb. 15 to Mar. 16, 1975 | 2 | Mar. 18 to Apr. 16, 1975. |
| Mar. 17 to Apr. 30, 1975 | 1 | Apr. 17 to May 31, 1975. |

[1] Dates storage charges start, all dates inclusive.

### § 1421.274 Loan and purchase rates.

(a) *Basic loan and purchase rates.* County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area". Marketing areas in Alaska shall be the areas established under the State small grain incentive program.

Farm-stored loans will be made at the basic rate for the county where the grain is stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse-stored oats loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.23(c) settlement for oats delivered from other than approved warehouse-storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

| County | Rate per bushel |
|---|---|
| **ALABAMA** | |
| All counties | $0.65 |
| **ALASKA** | |
| Delta | $1.01 |
| Fairbanks | 1.00 |
| Glenallen | 1.07 |
| Homer | 1.04 |
| Kenai-Soldotna | 1.09 |
| Palmer | 1.13 |
| Talkeetna | 1.13 |
| **ARIZONA** | |
| All counties | $0.74 |
| **ARKANSAS** | |
| All counties | $0.63 |
| **CALIFORNIA** | |
| All counties | $0.70 |
| **COLORADO** | |
| All counties | $0.61 |
| **CONNECTICUT** | |
| All counties | $0.62 |
| **DELAWARE** | |
| All counties | $0.63 |
| **FLORIDA** | |
| All counties | $0.68 |
| **GEORGIA** | |
| All counties | $0.65 |
| **IDAHO** | |
| All counties | $0.59 |
| **ILLINOIS** | |
| Adams | $0.57 |
| Alexander | .60 |
| Bond | .58 |
| Boone | .57 |
| Brown | .57 |
| Bureau | .57 |
| Calhoun | .57 |
| Carroll | .57 |
| Cass | .57 |
| Champaign | .57 |
| Christian | .57 |
| Clark | .58 |
| Clay | .59 |
| Clinton | .59 |
| Coles | .57 |
| Cook | .59 |
| Crawford | .59 |
| Cumberland | .58 |
| De Kalb | .57 |
| De Witt | .57 |
| Douglas | .57 |
| Du Page | .57 |
| Edgar | $0.57 |
| Edwards | .60 |
| Effingham | .58 |
| Fayette | .58 |
| Ford | .57 |
| Franklin | .60 |
| Fulton | .57 |
| Gallatin | .61 |
| Greene | .58 |
| Grundy | .57 |
| Hamilton | .60 |
| Hancock | .57 |
| Hardin | .61 |
| Henderson | .57 |
| Henry | .57 |
| Iroquois | .57 |
| Jackson | .60 |
| Jasper | .59 |
| Jefferson | .60 |
| Jersey | .58 |
| Jo Daviess | .57 |
| Johnson | .60 |
| Kane | .57 |
| Kankakee | .57 |
| Kendall | .57 |
| Knox | .57 |
| Lake | .58 |
| La Salle | .57 |
| Lawrence | .59 |
| Lee | .57 |
| Livingston | .57 |
| Logan | .57 |
| McDonough | .57 |
| McHenry | .57 |
| McLean | .57 |
| Macon | .57 |
| Macoupin | .58 |
| Madison | .59 |
| Marion | .59 |
| Marshall | .57 |
| Mason | .57 |
| Massac | .60 |
| Menard | .57 |
| Mercer | .57 |
| Monroe | .60 |
| Montgomery | .58 |
| Morgan | .57 |
| Moultrie | .57 |
| Ogle | .57 |
| Peoria | .57 |
| Perry | .60 |
| Piatt | $0.57 |
| Pike | .57 |
| Pope | .61 |
| Pulaski | .60 |
| Putnam | .57 |
| Randolph | .60 |
| Richland | .59 |
| Rock Island | .57 |
| St. Clair | .60 |
| Saline | .61 |
| Sangamon | .57 |
| Schuyler | .57 |
| Scott | .57 |
| Shelby | .57 |
| Stark | .57 |
| Stephenson | .57 |
| Tazewell | .57 |
| Union | .60 |
| Vermilion | .57 |
| Wabash | .60 |
| Warren | .57 |
| Washington | .60 |
| Wayne | .60 |
| White | .60 |
| Whiteside | .57 |
| Will | .58 |
| Williamson | .60 |
| Winnebago | .57 |
| Woodford | .57 |
| **INDIANA** | |
| Adams | $0.60 |
| Allen | .60 |
| Bartholomew | .60 |
| Benton | .58 |
| Blackford | .59 |
| Boone | .59 |
| Brown | .61 |
| Carroll | .59 |
| Cass | .59 |
| Clark | .61 |
| Clay | .59 |
| Clinton | .59 |
| Crawford | .61 |
| Daviess | .61 |
| Dearborn | .62 |
| Decatur | .60 |
| De Kalb | .60 |
| Delaware | .59 |
| Dubois | .61 |
| Elkhart | .60 |
| Fayette | .59 |
| Floyd | .61 |
| Fountain | .58 |
| Franklin | .61 |
| Fulton | .59 |
| Gibson | .61 |
| Grant | .59 |
| Greene | .61 |
| Hamilton | .59 |
| Hancock | .59 |
| Harrison | .61 |
| Hendricks | .59 |
| Henry | .59 |
| Howard | .59 |
| Hunnington | .59 |
| Jackson | .61 |
| Jasper | .58 |
| Jay | .60 |
| Jefferson | .62 |
| Jennings | .62 |
| Johnson | .59 |
| Knox | .61 |
| Kosciusko | .59 |
| Lagrange | .60 |
| Lake | .59 |
| La Porte | .60 |
| Lawrence | $0.61 |
| Madison | .59 |
| Marion | .59 |
| Marshall | .59 |
| Martin | .61 |
| Miami | .59 |
| Monroe | .61 |
| Montgomery | .59 |
| Morgan | .59 |
| Newton | .58 |
| Noble | .59 |
| Ohio | .62 |
| Orange | .61 |
| Owen | .59 |
| Parke | .58 |
| Perry | .61 |
| Pike | .61 |
| Porter | .59 |
| Posey | .61 |
| Pulaski | .59 |
| Putnam | .59 |
| Randolph | .60 |
| Ripley | .62 |
| Rush | .59 |
| St. Joseph | .60 |
| Scott | .62 |
| Shelby | .59 |
| Spencer | .61 |
| Starke | .59 |
| Steuben | .61 |
| Sullivan | .60 |
| Switzerland | .62 |
| Tippecanoe | .59 |
| Tipton | .59 |
| Union | .60 |
| Vanderburgh | .61 |
| Vermillion | .58 |
| Vigo | .59 |
| Wabash | .59 |
| Warren | .58 |
| Warrick | .61 |
| Washington | .61 |
| Wayne | .60 |
| Wells | .59 |
| White | .59 |
| Whitley | .59 |
| **IOWA** | |
| Adair | $0.57 |
| Adams | .57 |
| Allamakee | .55 |
| Appanoose | .57 |
| Audubon | .56 |
| Benton | .57 |
| Black Hawk | .57 |
| Boone | .56 |
| Bremer | .56 |
| Buchanan | .57 |
| Buena Vista | .56 |
| Butler | .56 |
| Calhoun | .56 |
| Carroll | .56 |
| Cass | .57 |
| Cedar | .57 |
| Cerro Gordo | .55 |
| Cherokee | .55 |
| Chickasaw | .56 |
| Clarke | .57 |
| Clay | .55 |
| Clayton | .56 |
| Clinton | .57 |
| Crawford | .55 |
| Dallas | .56 |
| Davis | .58 |
| Decatur | .57 |
| Delaware | .57 |
| Des Moines | .57 |
| Dickinson | .53 |
| Dubuque | .57 |
| Emmet | .53 |
| Fayette | .56 |
| Floyd | .55 |
| Franklin | .56 |
| Fremont | .57 |
| Greene | .56 |
| Grundy | .56 |
| Guthrie | .56 |
| Hamilton | .56 |
| Hancock | .55 |
| Hardin | .56 |
| Harrison | .56 |
| Henry | .57 |
| Howard | .55 |
| Humboldt | .56 |
| Ida | .55 |
| Iowa | .57 |
| Jackson | .57 |
| Jasper | .56 |
| Jefferson | $0.57 |
| Johnson | .57 |
| Jones | .57 |
| Keokuk | .57 |
| Kossuth | .54 |
| Lee | .57 |
| Linn | $0.57 |
| Louisa | .57 |
| Lucas | .57 |
| Lyon | .52 |
| Madison | .57 |
| Mahaska | .57 |
| Marion | .57 |
| Marshall | .56 |
| Mills | .57 |
| Mitchell | .54 |
| Monona | .55 |
| Monroe | .57 |
| Montgomery | .57 |
| Muscatine | .57 |
| O'Brien | .54 |
| Osceola | .52 |
| Page | .57 |
| Palo Alto | .55 |
| Plymouth | .53 |
| Pocahontas | .56 |
| Polk | .56 |
| Pottawattamie | .57 |
| Poweshiek | .56 |
| Ringgold | .57 |
| Sac | .56 |
| Scott | .57 |
| Shelby | .56 |
| Sioux | .53 |
| Story | .56 |
| Tama | .56 |
| Taylor | .57 |
| Union | .57 |
| Van Buren | .57 |
| Wapello | .57 |
| Warren | .57 |
| Washington | .57 |
| Wayne | .57 |
| Webster | .56 |
| Winnebago | .54 |
| Winneshiek | .55 |
| Worth | .54 |
| Worth | .54 |
| Wright | .56 |
| **KANSAS** | |
| Allen | $0.60 |
| Anderson | .60 |
| Atchison | .60 |
| Barber | .63 |
| Barton | .61 |
| Bourbon | .61 |
| Brown | .59 |
| Butler | .62 |
| Chase | .61 |
| Chautauqua | .62 |
| Cherokee | .62 |
| Cheyenne | .60 |
| Clark | .63 |
| Clay | .59 |
| Cloud | .59 |
| Coffey | .60 |
| Commanche | .63 |
| Cowley | .62 |
| Crawford | .61 |
| Decatur | .59 |
| Dickinson | .60 |
| Doniphan | .60 |
| Douglas | .60 |
| Edwards | .61 |
| Elk | .61 |
| Ellis | .60 |
| Ellsworth | .60 |
| Finney | .62 |
| Ford | .62 |
| Franklin | .60 |
| Geary | .60 |
| Gove | .61 |
| Graham | .60 |
| Grant | .62 |
| Gray | .62 |
| Greeley | .61 |
| Greenwood | .61 |
| Hamilton | .62 |
| Harper | .63 |
| Harvey | .61 |
| Haskell | .62 |
| Hodgeman | .61 |
| Jackson | $0.60 |
| Jefferson | .60 |
| Jewell | .58 |
| Johnson | .61 |
| Kearny | .62 |
| Kingman | .62 |
| Kiowa | .62 |
| Labette | .62 |
| Lane | .61 |
| Leavenworth | .61 |
| Lincoln | .59 |
| Linn | .60 |
| Logan | .61 |
| Lyon | .60 |
| McPherson | .61 |
| Marion | .61 |
| Marshall | .59 |
| Meade | .63 |
| Miami | .60 |
| Mitchell | .59 |
| Montgomery | .62 |
| Morris | .60 |
| Morton | .63 |
| Nemaha | .59 |
| Neosho | .61 |
| Ness | .61 |
| Norton | .59 |
| Osage | .60 |
| Osborne | .59 |
| Ottawa | .59 |
| Pawnee | .61 |
| Phillips | .58 |
| Pottawatomie | .59 |
| Pratt | .62 |
| Rawlins | .60 |
| Reno | .61 |
| Republic | .58 |
| Rice | .61 |
| Riley | .59 |
| Rooks | .59 |

KANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Rush | $0.61 | Stevens | $0.54 |
| Russell | .60 | Sumner | .63 |
| Saline | .60 | Thomas | .60 |
| Scott | .61 | Trego | .60 |
| Sedgwick | .62 | Wabaunsee | .60 |
| Seward | .63 | Wallace | .61 |
| Shawnee | .60 | Washington | .58 |
| Sheridan | .60 | Wichita | .61 |
| Sherman | .60 | Wilson | .61 |
| Smith | .58 | Woodson | .60 |
| Stafford | .61 | Wayandotte | .61 |
| Stanton | .62 | | |

KENTUCKY

| | |
|---|---|
| All counties | $0.65 |

LOUISIANA

| | |
|---|---|
| All parishes | $0.65 |

MAINE

| | |
|---|---|
| All counties | $0.62 |

MARYLAND

| | |
|---|---|
| All counties | $0.64 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $0.62 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $0.57 | Lake | $0.59 |
| Alger | .59 | Lapeer | .57 |
| Allegan | .59 | Leelanau | .58 |
| Alpena | .57 | Lenawee | .60 |
| Antrim | .58 | Livingston | .58 |
| Arenac | .57 | Luce | .59 |
| Baraga | .58 | Mackinac | .59 |
| Barry | .59 | Macomb | .58 |
| Bay | .57 | Manistee | .59 |
| Benzie | .58 | Marquette | .58 |
| Berrien | .59 | Mason | .59 |
| Branch | .60 | Mecosta | .58 |
| Calhoun | .59 | Menominee | .58 |
| Cass | .59 | Midland | .57 |
| Charlevoix | .58 | Missaukee | .58 |
| Cheboygan | .58 | Monroe | .60 |
| Chippewa | .59 | Montcalm | .58 |
| Clare | .58 | Montmorency | .57 |
| Clinton | .58 | Muskegon | .59 |
| Crawford | .57 | Newaygo | .59 |
| Delta | .58 | Oakland | .58 |
| Dickinson | .58 | Oceana | .59 |
| Eaton | .58 | Ogemaw | .57 |
| Emmet | .58 | Ontonagon | .58 |
| Genesee | .57 | Osceola | .58 |
| Gladwin | .57 | Oscoda | .57 |
| Gogebic | .58 | Otsego | .58 |
| Grand Traverse | .58 | Ottawa | .59 |
| Gratiot | .58 | Presque Isle | .57 |
| Hillsdale | .60 | Roscommon | .57 |
| Houghton | .58 | Saginaw | .57 |
| Huron | .57 | St. Clair | .58 |
| Ingham | .58 | St. Joseph | .59 |
| Ionia | .58 | Sanilac | .57 |
| Iosco | .57 | Schoolcraft | .59 |
| Iron | .58 | Shiawassee | .57 |
| Isabella | .58 | Tuscola | .57 |
| Jackson | .59 | Van Buren | .59 |
| Kalamazoo | .59 | Washtenaw | .59 |
| Kalkaska | .58 | Wayne | .59 |
| Kent | .59 | Wexford | .59 |
| Keweenaw | .58 | | |

MINNESOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aitkin | $0.52 | Chippewa | $0.50 |
| Anoka | .54 | Chisago | .54 |
| Becker | .48 | Clay | .47 |
| Beltrami | .48 | Clearwater | .48 |
| Benton | .52 | Cook | .54 |
| Big Sonte | .49 | Cottonwood | .51 |
| Blue Earth | .53 | Crow Wing | .51 |
| Brown | .52 | Dakota | .54 |
| Carlton | .54 | Dodge | .53 |
| Carver | .53 | Douglas | .50 |
| Cass | .50 | Fairbault | .53 |

MINNESOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Fillmore | $0.54 | Otter Tail | $0.49 |
| Freeborn | .53 | Pennington | .46 |
| Goodhue | .53 | Pine | .53 |
| Grant | .49 | Pipestone | .50 |
| Hennepin | .54 | Polk | .46 |
| Houston | .54 | Pope | .50 |
| Hubbard | .49 | Ramsey | .54 |
| Isanti | .53 | Red Lake | .46 |
| Itasca | .52 | Redwood | .51 |
| Jackson | .52 | Renville | .51 |
| Kanabac | .53 | Rice | .53 |
| Kandiyohi | .51 | Rock | .51 |
| Kittson | .45 | Roseau | .46 |
| Koochiching | .49 | St. Louis | .54 |
| Lac qui Parle | .50 | Scott | .53 |
| Lake | .54 | Sherburne | .53 |
| Lake of the Woods | .47 | Sibley | .52 |
| Le Sueur | .53 | Stearns | .51 |
| Lincoln | .50 | Steele | .53 |
| Lyon | .50 | Stevens | .49 |
| McLeod | .52 | Swift | .50 |
| Mahnomen | .47 | Todd | .50 |
| Marshall | .46 | Traverse | .48 |
| Martin | .52 | Wabasha | .53 |
| Meeker | .52 | Wadena | .50 |
| Mille Lacs | .52 | Waseca | .53 |
| Morrison | .51 | Washington | .54 |
| Mower | .53 | Watonwan | .52 |
| Murray | .50 | Wilkin | .48 |
| Nicollet | .53 | Winona | .54 |
| Nobles | .51 | Wright | .53 |
| Norman | .46 | Yellow Medicine | .50 |
| Olmsted | .53 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $0.64 |

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $0.59 | Holt | $0.59 |
| Andrew | .59 | Howard | .60 |
| Atchinson | .58 | Howell | .62 |
| Audrain | .58 | Iron | .61 |
| Barry | .62 | Jackson | .60 |
| Barton | .61 | Jasper | .61 |
| Bates | .60 | Jefferson | .60 |
| Benton | .60 | Johnson | .60 |
| Bollinger | .61 | Knox | .58 |
| Boone | .60 | Laclede | .61 |
| Buchanan | .61 | Lafayette | .60 |
| Butler | .61 | Lawrence | .61 |
| Caldwell | .61 | Lewis | .57 |
| Callaway | .60 | Lincoln | .59 |
| Camden | .61 | Linn | .60 |
| Cape Girardeau | .60 | Livingston | .60 |
| Carroll | .60 | McDonald | .62 |
| Carter | .61 | Macon | .59 |
| Cass | .60 | Madison | .61 |
| Cedar | .60 | Maries | .61 |
| Chariton | .60 | Marion | .57 |
| Christian | .62 | Mercer | .60 |
| Clark | .57 | Miller | .61 |
| Clay | .61 | Mississippi | .60 |
| Clinton | .61 | Moniteau | .61 |
| Cole | .61 | Monroe | .58 |
| Cooper | .61 | Montgomery | .60 |
| Crawford | .61 | Morgan | .61 |
| Dade | .60 | New Madrid | .61 |
| Dallas | .61 | Newton | .61 |
| Daviess | .60 | Nodaway | .58 |
| De Kalb | .60 | Oregon | .62 |
| Dent | .61 | Osage | .61 |
| Douglas | .62 | Ozark | .62 |
| Dunklin | .61 | Pemiscot | .61 |
| Franklin | .61 | Perry | .60 |
| Gasconade | .61 | Pettis | .61 |
| Gentry | .59 | Phelps | .61 |
| Greene | .61 | Pike | .57 |
| Grundy | .59 | Platte | .61 |
| Harrison | .59 | Polk | .60 |
| Henry | .60 | Pulaski | .61 |
| Hickory | .60 | Putnam | .59 |
| | | Ralls | .57 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Randolph | $0.59 | Shannon | $0.61 |
| Ray | .61 | Shelby | .58 |
| Reynolds | .61 | Stoddard | .61 |
| Ripley | .62 | Stone | .62 |
| St. Charles | .59 | Sullivan | .59 |
| St. Clair | .60 | Taney | .62 |
| Sainte Genevieve | .61 | Texas | .61 |
| St. Francois | .60 | Vernon | .60 |
| St. Louis | .60 | Warren | .60 |
| Saline | .60 | Washington | .61 |
| Schuyler | .59 | Wayne | .61 |
| Scotland | .58 | Webster | .61 |
| Scott | .60 | Worth | .58 |
| | | Wright | .61 |

MONTANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Beaverhead | $0.56 | Madison | $0.54 |
| Big Horn | .50 | Meagher | .51 |
| Blaine | .47 | Mineral | .56 |
| Broadwater | .52 | Missoula | .55 |
| Carbon | .51 | Musselshell | .49 |
| Carter | .47 | Park | .52 |
| Cascade | .51 | Petroleum | .48 |
| Chouteau | .49 | Phillips | .46 |
| Custer | .47 | Pondera | .50 |
| Daniels | .44 | Powder River | .49 |
| Dawson | .44 | Powell | .54 |
| Deer Lodge | .54 | Prairie | .46 |
| Fallon | .45 | Ravalli | .55 |
| Fergus | .49 | Richland | .43 |
| Flathead | .54 | Roosevelt | .43 |
| Gallatin | .52 | Rosebud | .48 |
| Garfield | .46 | Sanders | .56 |
| Glacier | .51 | Sheridan | .42 |
| Golden Valley | .50 | Silver Bow | .54 |
| Granite | .55 | Stillwater | .51 |
| Hill | .48 | Sweet Grass | .51 |
| Jefferson | .53 | Teton | .50 |
| Judith Basin | .50 | Toole | .50 |
| Lake | .55 | Treasure | .49 |
| Lewis and Clark | .53 | Valley | .45 |
| Liberty | .49 | Wheatland | .50 |
| Lincoln | .56 | Wilbaux | .44 |
| McCone | .45 | Yellowstone | .51 |

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.56 | Garden | $0.54 |
| Antelope | .53 | Garfield | .53 |
| Arthur | .54 | Gosper | .56 |
| Banner | .54 | Grant | .53 |
| Blaine | .53 | Greeley | .54 |
| Boone | .54 | Hall | .55 |
| Box Butte | .53 | Hamilton | .55 |
| Boyd | .51 | Harlan | .57 |
| Brown | .52 | Hayes | .57 |
| Buffalo | .55 | Hitchcock | .58 |
| Burt | .55 | Holt | .52 |
| Butler | .56 | Hooker | .53 |
| Cass | .57 | Howard | .54 |
| Cedar | .53 | Jefferson | .57 |
| Chase | .57 | Johnson | .58 |
| Cherry | .52 | Kearney | .56 |
| Cheyenne | .55 | Keith | .55 |
| Clay | .56 | Keya Paha | .51 |
| Colfax | .55 | Kimball | .55 |
| Cuming | .55 | Knox | .52 |
| Custer | .54 | Lancaster | .57 |
| Dakota | .55 | Lincoln | .55 |
| Dawes | .53 | Logan | .54 |
| Dawson | .55 | Loup | .53 |
| Deuel | .55 | McPherson | .54 |
| Dixon | .54 | Madison | .54 |
| Dodge | .56 | Merrick | .54 |
| Douglas | .57 | Morrill | .54 |
| Dundy | .58 | Nance | .54 |
| Fillmore | .56 | Nemaha | .58 |
| Franklin | .57 | Nuckolls | .57 |
| Frontier | .56 | Otoe | .57 |
| Furnas | .57 | Pawnee | .58 |
| Gage | .58 | Perkins | .56 |

NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Phelps | $0.56 | Sherman | $0.54 |
| Pierce | .53 | Sioux | .53 |
| Platte | .54 | Stanton | .54 |
| Polk | .55 | Thayer | .57 |
| Red Willow | .57 | Thomas | .53 |
| Richardson | .58 | Thurston | .55 |
| Rock | .52 | Valley | .54 |
| Saline | .57 | Washington | .56 |
| Sarpy | .57 | Wayne | .54 |
| Saunders | .57 | Webster | .57 |
| Scotts Bluff | .54 | Wheeler | .53 |
| Seward | .56 | York | .55 |
| Sheridan | .53 | | |

NEVADA

| | |
|---|---|
| All counties | $0.71 |

NEW HAMPSHIRE

| | |
|---|---|
| All counties | $0.62 |

NEW JERSEY

| | |
|---|---|
| All counties | $0.63 |

NEW MEXICO

| | |
|---|---|
| All counties | $0.68 |

NEW YORK

| | |
|---|---|
| All counties | $0.66 |

NORTH CAROLINA

| | |
|---|---|
| All counties | $0.65 |

NORTH DAKOTA

| | | | |
|---|---|---|---|
| Adams | $0.44 | McKenzie | $0.42 |
| Barnes | .45 | McLean | .41 |
| Benson | .43 | Mercer | .41 |
| Billings | .42 | Morton | .43 |
| Bottineau | .41 | Mountrail | .41 |
| Bowman | .44 | Nelson | .44 |
| Burke | .41 | Oliver | .42 |
| Burleigh | .43 | Pembina | .45 |
| Cass | .46 | Pierce | .42 |
| Cavalier | .44 | Ramsey | .44 |
| Dickey | .45 | Ransom | .46 |
| Divide | .41 | Renville | .41 |
| Dunn | .41 | Richland | .47 |
| Eddy | .44 | Rolette | .42 |
| Emmons | .44 | Sargent | .46 |
| Foster | .44 | Sheridan | .42 |
| Golden Valley | .43 | Sioux | .44 |
| Grand Forks | .45 | Slope | .43 |
| Grant | .43 | Stark | .42 |
| Griggs | .44 | Steele | .45 |
| Hettinger | .43 | Towner | .43 |
| Kidder | .44 | Traill | .45 |
| La Moure | .45 | Walsh | .45 |
| Logan | .44 | Ward | .41 |
| McHenry | .41 | Wells | .43 |
| McIntosh | .44 | Williams | .41 |

OHIO

| | | | |
|---|---|---|---|
| Adams | $0.64 | Delaware | $0.63 |
| Allen | .62 | Erie | .63 |
| Ashland | .63 | Fairfield | .63 |
| Ashtabula | .65 | Fayette | .63 |
| Athens | .65 | Franklin | .63 |
| Augulaize | .62 | Fulton | .62 |
| Belmont | .66 | Gallia | .65 |
| Brown | .64 | Geauga | .64 |
| Butler | .62 | Greene | .63 |
| Carroll | .65 | Guernsey | .65 |
| Champaign | .63 | Hamilton | .63 |
| Clark | .63 | Hancock | .62 |
| Clermont | .64 | Hardin | .62 |
| Clinton | .64 | Harrison | .65 |
| Columbiana | .65 | Henry | .62 |
| Coshocton | .64 | Highland | .64 |
| Crawford | .63 | Hocking | .64 |
| Cuyahoga | .64 | Holmes | .64 |
| Darke | .61 | Huron | .63 |
| Defiance | .61 | Jackson | .64 |

OHIO—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Jefferson | $0.66 | Pickaway | $0.63 |
| Knox | .63 | Pike | .64 |
| Lake | .64 | Portage | .64 |
| Lawrence | .64 | Preble | .61 |
| Licking | .63 | Putnam | .62 |
| Logan | .63 | Richland | .63 |
| Lorain | .64 | Ross | .64 |
| Lucas | .62 | Sandusky | .63 |
| Madison | .63 | Scioto | .64 |
| Mahoning | .65 | Seneca | .63 |
| Marion | .63 | Shelby | .62 |
| Medina | .64 | Stark | .64 |
| Meigs | .65 | Summit | .64 |
| Mercer | .60 | Trumbull | .65 |
| Miami | .62 | Tuscarawas | .64 |
| Monroe | .66 | Union | .63 |
| Montgomery | .62 | Van Wert | .61 |
| Morgan | .65 | Vinton | .64 |
| Morrow | .63 | Warren | .63 |
| Muskingum | .64 | Washington | .66 |
| Noble | .65 | Wayne | .64 |
| Ottawa | .63 | Williams | .62 |
| Paulding | .61 | Wood | .62 |
| Perry | .64 | Wyandot | .63 |

OKLAHOMA

| | |
|---|---|
| All counties | $0.65 |

OREGON

| | |
|---|---|
| All counties | $0.65 |

PENNSYLVANIA

| | |
|---|---|
| All counties | $0.66 |

RHODE ISLAND

| | |
|---|---|
| All counties | $0.62 |

SOUTH CAROLINA

| | |
|---|---|
| All counties | $0.65 |

SOUTH DAKOTA

| | | | |
|---|---|---|---|
| Aurora | $0.48 | Jackson | $0.47 |
| Beadle | .48 | Jerauld | .48 |
| Bennett | .48 | Jones | .47 |
| Bon Homme | .50 | Kingsbury | .48 |
| Brookings | .49 | Lake | .48 |
| Brown | .46 | Lawrence | .46 |
| Brule | .48 | Lincoln | .51 |
| Buffalo | .48 | Lyman | .47 |
| Butte | .46 | McCook | .49 |
| Campbell | .45 | McPherson | .45 |
| Charles Mix | .49 | Marshall | .46 |
| Clark | .47 | Meade | .46 |
| Clay | .52 | Mellette | .48 |
| Codington | .48 | Miner | .48 |
| Corson | .45 | Minnehaha | .50 |
| Custer | .49 | Moody | .49 |
| Davison | .48 | Pennington | .47 |
| Day | .47 | Perkins | .45 |
| Deuel | .49 | Potter | .46 |
| Dewey | .46 | Roberts | .47 |
| Douglas | .49 | Sanborn | .48 |
| Edmunds | .46 | Shannon | .49 |
| Fall River | .49 | Spink | .47 |
| Faulk | .46 | Stanley | .47 |
| Grant | .49 | Sully | .47 |
| Gregory | .48 | Todd | .48 |
| Haakon | .47 | Trapp | .48 |
| Hamlin | .48 | Turner | .51 |
| Hand | .47 | Union | .52 |
| Hanson | .48 | Walworth | .46 |
| Harding | .45 | Washabaugh | .48 |
| Hughes | .47 | Yankton | .51 |
| Hutchinson | .50 | Ziebach | .46 |
| Hyde | .47 | | |

TENNESSEE

| | |
|---|---|
| All counties | $0.65 |

TEXAS

| | |
|---|---|
| All counties | $0.70 |

UTAH

| | |
|---|---|
| All counties | $0.68 |

VERMONT

| | |
|---|---|
| All counties | $0.62 |

VIRGINIA

| | |
|---|---|
| All counties | $0.64 |

WASHINGTON

| | |
|---|---|
| All counties | $0.61 |

WEST VIRGINIA

| | |
|---|---|
| All counties | $0.65 |

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.57 | Marathon | $0.57 |
| Ashland | .57 | Marinette | .58 |
| Barron | .55 | Marquette | .57 |
| Bayfield | .56 | Menominee | .57 |
| Brown | .56 | Milwaukee | .59 |
| Buffalo | .54 | Monroe | .56 |
| Burnett | .54 | Oconto | .57 |
| Calumet | .56 | Oneida | .53 |
| Chippewa | .56 | Outagamie | .56 |
| Clark | .56 | Ozaukee | .58 |
| Columbia | .56 | Pepin | .54 |
| Crawford | .57 | Pierce | .54 |
| Dane | .58 | Polk | .54 |
| Dodge | .57 | Portage | .57 |
| Door | .56 | Price | .57 |
| Douglas | .54 | Racine | .59 |
| Dunn | .55 | Richland | .56 |
| Eau Claire | .55 | Rock | .58 |
| Florence | .58 | Rusk | .56 |
| Fond du Lac | .56 | St. Croix | .54 |
| Forest | .58 | Sauk | .58 |
| Grant | .57 | Sawyer | .56 |
| Green | .58 | Shawano | .57 |
| Green Lake | .57 | Sheboygan | .57 |
| Iowa | .58 | Taylor | .57 |
| Iron | .58 | Trempealeau | .55 |
| Jackson | .56 | Vernon | .55 |
| Jefferson | .58 | Vilas | .58 |
| Juneau | .57 | Walworth | .58 |
| Kenosha | .59 | Washburn | .55 |
| Kewaunee | .56 | Washington | .58 |
| La Crosse | .55 | Waukesha | .59 |
| Lafayette | .58 | Waupaca | .57 |
| Langlade | .57 | Waushara | .57 |
| Lincoln | .57 | Winnebago | .56 |
| Manitowoc | .56 | Wood | .57 |

WYOMING

| | |
|---|---|
| All counties | $0.58 |

(b) *Premiums and discounts.*

| | Cents per bushel |
|---|---|
| Premiums:[1] | |
| Grade U.S. No. 2 or better | 1 |
| Test weight: | |
| Heavy | 1 |
| Extra heavy | 2 |
| Discounts: | |
| Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better | 3 |
| Grade U.S. No. 4 because of being "badly stained or materially weathered" | 7 |
| Grade U.S. No. 4 on the factor of test weight and because of being "badly stained or materially weathered" | 10 |
| Garlicky | 3 |
| Weed control discount (where required by § 1421.25) | 10 |

[1] Premiums shall not be applicable to "sample grade" or "badly stained or materially weathered" oats.

*Other factors.* Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the

oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: March 25, 1974.

Signed at Washington, D.C., on March 18, 1974.

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

[FR Doc.74-6814 Filed 3-22-74;8:45 am]

## Title 12—Banks and Banking

## CHAPTER V—FEDERAL HOME LOAN BANK BOARD

### SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-205]

### PART 523—MEMBERS OF BANKS

### Amendment Relating to Liquidity

MARCH 19, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 5½ percent to 6½ percent of its liquidity base and of increasing each member's short-term liquidity requirement from 1½ percent to 2½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective June 1, 1974:

**§ 523.11 Liquidity requirements.**

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that the institutions affected by such amendment should be given as much lead-in time as possible to comply with liquidity requirements which are higher than present liquidity requirements, the Board hereby finds that notice and public procedure as to such amendment are impracticable and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLIARD, Jr.,
*Assistant Secretary.*

[FR Doc.74-6855 Filed 3-22-74;8:45 am]

## Title 24—Housing and Urban Development

## CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

### SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-244]

### PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

### Site Location

On December 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 34330), stating that the Department of Housing and Urban Development was considering an amendment to Part 201 of Title 24, Subchapter B, "Mobile Home Loans," that would permit mobile homes to be sold to purchasers utilizing FHA insured loans to be placed on sites leased from a municipality or other political subdivision of a state.

Interested persons were given 30 days in which to submit written comments or suggestions. One comment was received. The commenter stated that it strongly supported adoption of the amendment. The proposed amendment is hereby adopted without change.

Accordingly, § 201.525 is amended to read as follows:

**§ 201.525 Mobile home location standards.**

(a) *In general.* The mobile home shall be placed in a mobile home park approved by the Commissioner, on a site owned by the borrowers which meets certain requirements prescribed by the Commissioner, or on a site leased from a municipality or other political subdivision, where the leased site otherwise meets the requirements of paragraph (c) of this section.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. 1246, (12 U.S.C. 1703).)

*Effective date.* This amendment is effective on April 22, 1974.

SHELDON B. LUBAR,
*Assistant Secretary for Housing Production and Mortgage Credit.*

[FR Doc.74-6779 Filed 3-22-74;8:45 am]

## Title 26—Internal Revenue

## CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7306]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### Taxpayer Identifying Numbers

*Correction*

In FR Doc. 74-6046 appearing at page 9946 in the issue for Friday, March 15, 1974, the following changes should be made in § 1.6109-1.

1. In paragraph (a) the first sentence should read, *"Information to be furnished after April 15, 1974".*

2. In paragraph (b) the first sentence should read, *"Information to be furnished before April 16, 1974".*

## Title 40—Protection of Environment

## CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

### SUBCHAPTER E—PESTICIDE PROGRAMS

### PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### Tetrahydrofurfuryl Alcohol; Exemption From Tolerance

In response to a petition (PP 2E1198) submitted by The Quaker Oats Co., Merchandise Mart Plaza, Chicago, IL 60654, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of February 4, 1974 (39 FR 4487), proposing 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 formulation applied to growing crops only. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1001 is 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 will be adversely affected by the foregoing order may at any time on or before April 24, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

*Effective date.* This order shall become effective on March 25, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 20, 1974.

HENRY J. KORP,
*Deputy Assistant Administrator for Pesticide Programs.*

[FR Doc.74-6849 Filed 3-22-74;8:45 am]

## Title 41—Public Contracts and Property Management

## CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## PART 3-1—GENERAL

## PART 3-26—CONTRACT MODIFICATIONS

### Novation and Change of Name Agreements

Chapter 3 of 41 CFR is amended as set forth below. Subpart 3-1.51 is being deleted because the Federal Procurement Regulations have issued a regulation on the same subject, Novation and Change of Name Agreements. A new subpart 3-26.4 is being added to set forth internal procedures relative to the processing of such agreements.

It is the general policy of the DHEW to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Subpart 3-1.51 is hereby deleted in its entirety.

2. The following is added as the table of contents of Part 3-26, Contract Modifications.

**Subpart 3-26.4—Novation and Change of Name Agreements**

Sec.
3-26.404 Processing novation and change of name agreements.

3. The following is added as § 3-26.404 *Processing novation and change of name agreements.*

**§ 3-26.404 Processing novation and change of name agreements.**

(a) Any Health, Education, and Welfare procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by letter to the Director of Procurement Policy and Regulations Development, OGPM, OASAM.

(b) To avoid duplication of effort on the part of HEW activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between HEW and the contractor involved. The Director of Procurement Policy and Regulations Development will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtain from the contractor a list of the affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence.

(2) Draft and execute a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents shall be reviewed for legal sufficiency by Legal Counsel.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Procurement Policy and Regulations Development.

(2) Advise each of the affected activities, by letter, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change acknowledging the change of name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

(5 U.S.C. 301; 40 U.S.C. 486(c))

*Effective date.* These amendments become effective March 25, 1974.

Dated: March 19, 1974.

THOMAS S. MCFEE,
*Acting Deputy Assistant Secretary for Administration and Management.*

[FR Doc.74-6787 Filed 3-22-74;8:45 am]

## CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

### SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-139]

## PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

### Computer Performance Evaluation and ADP Simulation

This amendment clarifies the procedure by which Federal agencies obtain ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.

Section 101-32.1403 is amended to read as follows:

**§ 101-32.1403 Procedure for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.**

(a) Agencies requiring ADP simulation, computer performance evaluation assistance, hardware performance monitors, software performance monitoring packages, or other computer performance evaluation products or services shall contact the Center. The mailing address is: Department of the Air Force, Federal Computer Performance Evaluation and Simulation Center (FEDSIM), Washington, DC 20330.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

*Effective date.* This regulation is effective March 25, 1974.

Dated: March 15, 1974.

ARTHUR F. SAMPSON,
*Administrator of General Services.*

[FR Doc.74-6737 Filed 3-22-74;8:45 am]

## Title 47—Telecommunication

## CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19876; FCC 74-269]

## PART 73—RADIO BROADCAST SERVICES

### FM Station in Wichita Falls, Tex.; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Wichita Falls, Texas).

1. This proceeding, begun by notice of proposed rule making issued November 20, 1973 (38 FR 32951) involves the deletion of FM Channel 236 at Wichita Falls, Texas. The only comment in support of the proposed deletion was filed by

KAMC–Radio, Inc., licensee of Station KAMC(FM), Arlington, Texas. No comments in opposition were filed.

2. As set forth in the notice, Wichita Falls has four FM assignments. One is on Channel 225 for which an application for construction permit is pending; Station KLUR(FM) operates on Channel 260; and Station KNTO(FM) which is currently operating on Channel 236 but has been granted a construction permit to operate on Channel 277. Station KAMC(FM), Arlington, Texas, operating on Channel 235, is short-spaced to Channel 236 at Wichita Falls. Because of the short-spacing, Station KAMC(FM) is restricted under our rule to facilities not to exceed 50 kW in ERP. The proposed deletion of Channel 236 which cannot be fully utilized at Wichita Falls would remove the restrictions and permit KAMC (FM) to operate with maximum facilities as proposed in its tendered application on Channel 235.

3. Because of the short spacing problem outlined above, we find the deletion of the channel to be in the public interest and the proposal set forth in the Notice is hereby adopted. However, Station KNTO–FM will be permitted to continue operation on Channel 236 under a special temporary authorization until it receives program test authority to operate on Channel 277.

4. In view of the foregoing and pursuant to authority in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, *it is ordered,* That effective April 29, 1974, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read with respect to the city listed below as follows:

| *City* | *Channel No.* |
|---|---|
| Wichita Falls, Tex | 225, 260, 277 |

5. *It is further ordered,* That special temporary authority is conferred to Station KNTO–FM to continue operation on Channel 236 with its presently licensed facility pending receipt and Commission action on FCC Forms 302 for license to cover construction permit (BPH–8307) which authorized the construction of changed facilities on Channel 277.

6. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 13, 1974.

Released: March 18, 1974.

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

[FR Doc.74–6794 Filed 3–22–74;8:45 am]

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[Docket No. 19877; FCC 74–268]

## PART 73—RADIO BROADCAST SERVICES

### FM Stations in Maine and New Hampshire; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Sanford, Maine; Rochester, New Hampshire.)

1. This proceeding, begun by notice of proposed rule making issued November 29, 1973, proposes a substitution of FM Channel 244A (now assigned to Sanford, Maine) to Rochester, New Hampshire, for FM Channel 280A and also would substitute Channel 221A for Channel 244A at Sanford. Two comments were filed in response to the notice: one comment by J. Sherwood, Inc., applicant for a new FM broadcast station at Rochester and the other comment was by Southern Maine Broadcasting Corporation, licensee of Radio Station WSME, Sanford, Maine, who has on file an application for an FM station at Sanford on Channel 244A.

2. The Sherwood comments were in complete support of the proposed substitution of channels because it would correct a short spacing problem preventing the construction of an FM station at Rochester. Southern Maine's comment neither supports or opposes the substitution of channels, and states that it will amend its pending application on Channel 244A to specify Channel 221A after the effective date of this Report and Order.

3. Sherwood asks that expedited action be taken in this matter because Rochester is an industrial community and a new FM station would provide residents with greater media coverage on the issues of importance to the area. We have considered the comments of the party in the light of the proposals set forth in the Notice and find that the assignments proposed to be in the public interest and they are hereby adopted.

4. In view of the foregoing and pursuant to authority in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, *it is ordered,* That effective April 29, 1974, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read with respect to the cities listed below:

| *City* | *Channel No.* |
|---|---|
| Sanford, Maine | 221A |
| Rochester, N.H. | 244A |

5. *It is further ordered,* That this proceeding is TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 13, 1974.

Released: March 18, 1974.

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

[FR Doc.74–6795 Filed 3–22–74; 8:45 am]

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[FCC 74–255]

## PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

## PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

### Issuance of Ship Station Licenses

In the matter of amendment of §§ 81.361 and 83.360 of the FCC rules and regulations.

1. By this order, it is intended to delete certain obsolete rule requirements regarding issuance of ship station licenses in order to bring the rules into conformity with current Commission licensing policy and practice and to expedite ship station application and licensing procedures.

2. Specifically, the "showing" requirements of §§ 81.361(b)(1) and 83.360 (b)(1) are hereby deleted. This order also deletes the provisions of § 83.360 (b)(3) which normally limits a grant of frequencies to one from each band.

3. These requirements are holdovers from past practices of the Commission stating specific frequencies on ship station licenses and of requiring a showing of need prior to authorizing use of frequencies below 27.5 MHz. Current Commission policy and practice favors a "flexible" ship station license which emphasizes the most versatile and wide use of frequencies while encouraging their use in conformity with the rules. Requiring such showings and listing specific frequencies no longer serves a useful purpose.

4. Because these deletions are editorial in nature, intended to reflect current license processing practices and because they eliminate restrictions hitherto applied, the prior notice, procedure and effective date provisions of 5 U.S.C. 553, do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the above, *it is ordered,* That the rule amendments set forth below shall be adopted effective March 27, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 13, 1974.

Released: March 18, 1974.

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

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 81.361(b)(1) is deleted and designated as reserved.

2. Section 83.360(b) (1) and (3) is deleted and designated as reserved.

[FR Doc.74–6797 Filed 3–22–74;8:45 am]

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[Docket No. 19881; FCC 74–256]

## PART 87—AVIATION SERVICES

### Abbreviated Method of Aircraft Identification

In the matter of amendment of § 87.115 of the Commission's rules to provide an abbreviated method of aircraft identification during organized flying activity of short duration.

1. A notice of proposed rule making in the above-captioned matter was released on November 30, 1973 (38 FR 33618). No comments or reply comments in response to that notice have been received.

2. Accordingly, for the reasons set forth in the notice of proposed rule making, the amendment § 87.115 of the rules, as originally proposed, appears warranted.

3. In view of the above, IT IS ORDERED, pursuant to the authority contained in Sections 4(i) and 303(r) of the sion's rules is amended as set Communications Act of 1934, as amended, That effective April 29, 1974 Part 87 of the Commission's rules is amended as set forth below.

4. *It is further ordered,* That the proceeding in Docket No. 19881 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 13, 1974.

Released: March 18, 1974.

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

Part 87 of 47 CFR Chapter 1 of Title 47 is amended as follows:

Section 87.115(e) (1) (iii) is amended to read as follows:

**§ 87.115 Station identification.**

* * * * *

(e) * * *

(1) * * *

(iii) An aircraft identification approved in advance by the Commission after coordination with the FAA for use by aircraft stations participating in an organized flying activity of short duration. The Commission shall be advised in advance of each event of the registration marking (N number) of each participating aircraft.

NOTE: Approval of the identification method permitted in subdivision (iii) will be expedited when the requesting organization coordinates with FAA Headquarters, Washington, D.C., prior to submitting the request to the Commission.

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[FR Doc.74-6796 Filed 3-22-74;8:45 am]

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## Title 14—Aeronautics and Space

## CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-SW-74; Amdt. 39-1801]

## PART 39—AIRWORTHINESS DIRECTIVES

### Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring disassembly and internal inspection of certain control tubes for internal corrosion within 100 hours and thereafter at 1200 hour intervals on Bell Model 47 Series helicopters was published in 39 FR 1362. The proposal would also require replacement of corroded tubes, protection of the tube internal surfaces and sealing of the tube assembly to preclude corrosion. The proposal would also require submittal of reports to assess the magnitude of tube corrosion and to determine the necessity for mandatory inspections on vertical control tubes of other helicopter makes and models.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Responses to the proposal were received from four operators and from Bell Helicopter Company. Bell Helicopter Company recommended revisions to provide agreement with Service Bulletin No. 47-11-73-1. They recommended initial compliance at the next 1200 hour overhaul period and recommended a 50 hour periodic, external inspection of the tubes until the internal inspection was accomplished.

In addition, Bell recommended the tube assemblies be sealed as specified in the service bulletin to assure an air and water tight seal of the tubes. They also stated that the Model 47 maintenance manuals will include specific instructions for internal refinishing of tubes when the rod end bearings are replaced and they believe the proposed 1200 hour repetitive inspection will not be necessary when the tubes are properly processed when the rod end bearings are replaced.

One operator commented that the repetitive inspection should be scheduled on calendar time and based on their experience a 15 year inspection interval is more realistic. They have conducted the visual inspections specified in Service Bulletin 47-11-73-1 on sixteen year old equipment that has been operated in different environments and had negative findings.

One operator recommended that all control tubes be subject to the inspections, based on their inspection results. They stated proper sealing of the tubes should eliminate the 1200 hour repetitive inspection, but further stated a three to five year interval should be adequate if a repetitive inspection is still necessary.

One other operator recommended a daily visual inspection of the control tubes until the internal inspections were conducted at the next 600 hour or 1200 hour inspection period. They also recommended that the A.D. require proper sealing of the control tubes each time a rod end is replaced.

Another operator recommended a fifty hour visual inspection with a 1200 hour periodic inspection, because they found slight corrosion in control tubes that were used on Model 47G-5 helicopters that average 500 hours each year during aerial application of chemicals. The operator also provided a brief summary of their procedure used to seal the tubes.

The agency has given due consideration to all of the comments received but concludes that the rule should be adopted as proposed, except that the tube assembly sealing requirements will be more specific. The agency comments relating to the industry responses are discussed below. The agency now believes just the application of zinc chromate primer on the tube and rod end during riveting will not insure an air and water tight seal of the assembly. As recommended by Bell, the A.D. will be changed to require sealing as specified in Bell's Service Bulletin using Proseal 890-B2 or as specified in an FAA approved equivalent sealing procedure.

The agency proposed to require submittal of reports when corroded tubes were found to assess the extent or magnitude of tube corrosion and to determine the necessity for continued mandatory inspections of the Model 47 control tubes and for imposing mandatory inspections on vertical control tubes of other helicopter makes and models. No objections to this reporting proposal were received. The agency will review these inspection results and experience to alter or delete the A.D. inspection interval, and to substitute a calendar period for the 1200 hour repetitive inspection. However, at this time the 1200 hour inspection interval will be adopted as proposed.

The initial inspection of the Model 47 fleet to be conducted within 100 hours time in service after the effective date of the A.D., will be adopted as proposed. The recommendations to defer the initial inspection to the next 600 hour or 1200 hour heavy inspection of each helicopter would not obtain a timely survey of the entire Model 47 fleet and would not provide operators with helicopters near those inspections a suitable interval to accomplish the A.D. inspection. In addition, operators could not, in all cases, substantiate the interval since a previous inspection and would be subject to an immediate A.D. inspection.

The agency does not believe an external visual inspection to detect severe internal corrosion of a vertical control tube is sufficiently reliable; therefore, a daily or 50 hour periodic external visual inspection will not be adopted. Horizontal control tubes should not be subject to uniform reduction in cross sectional area due to internal corrosion such as was experienced by a vertical tube and internal corrosion of horizontal tubes has not been a significant airworthiness problem. Thus, only vertical control tubes will be subject to mandatory inspections.

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

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

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

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

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

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

(c) Remove corroded control tubes from service prior to further flight and submit a

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

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

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

(2) Tubes must have internal corrosion protection using zinc chromate primer, hot linseed oil or other equivalent corrosion inhibitor. The tube ends must be sealed, air and water tight, as specified in Paragraphs 4 and 5, Part II, Bell Helicopter Company Service Bulletin No. 47-11-73-1, Rev. A, dated December 6, 1973 or later approved revision or as specified in an equivalent FAA approved procedure when the insert, rod end bearing or clevis and rivets are installed.

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

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

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

This amendment becomes effective April 22, 1974.

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

Issued in Fort Worth, Texas on March 11, 1974.

HENRY L. NEWMAN,
*Director, Southwest Region.*

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-6761 Filed 3-22-74;8:45 am]

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[Airworthiness Docket No. 74-WE-6-AD; Amdt. 39-1802]

## PART 39—AIRWORTHINESS DIRECTIVES

### Hughes Model 369A, 369H, 369HE, 369HS, and 369HM Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on February 22, 1974, and made effective immediately by airmail letter dated February 25, 1974 as to all known United States operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories. The directive requires, before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, an inspection of the tail rotor assembly to verify that the rotor blades P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. The AD also requires replacement of mismatched tail rotor blade(s) before further flight.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, certificated in all categories by airmail letter dated February 25, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories is effective immediately upon receipt of this air mail letter. Before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, inspect the tail rotor assembly to verify that the rotor blade P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. Replace mismatched tail rotor blade(s) before further flight. Note AD inspection in Aircraft Maintenance Records. Forthcoming Service Bulletin, No. HN-65 covers the same subject.

This amendment is effective March 26, 1974 for all persons except those to whom it was made effective by airmail letter, dated February 25, 1974, which contained this amendment.

Issued in Los Angeles, California on March 11, 1974.

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

[Telegram]

FEDERAL AVIATION ADMINISTRATION,
AIRCRAFT ENGINEERING DIVISION,
*Los Angeles, Calif., February 22, 1974.*

FEDERAL AVIATION ADMINISTRATION,
*Oklahoma City, Okla.*

Attention: Ralph Hare, AAC-218.

Transmitted as follows is emergency AD for early transmittal to all owners of Hughes model 369A, 369H, 369HE, 369HS, and 369HM helicopters. Early distribution by airmail letter is required in accordance with paragraph 33, Handbook 8040.1. Quote: Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Hughes model 369A, 369H, 369HE, 369HS, and 369HM helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories is effective immediately upon receipt of this telegram. Before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, inspect the tail rotor assembly to verify that the rotor blade P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. Replace mismatched tail rotor blade(s) before further flight. Note AD inspection in aircraft maintenance records. Forthcoming service bulletin No. HN-65 covers the same subject. Unquote.

ARVIN O. BASNIGHT,
*Director, Western Region, AWE-1,*
*Federal Aviation Administration.*

DISTRIBUTION OF THE HUGHES TELEGRAM, DATED FEBRUARY 20, 1974

Heli—West
5471 Saffig, Germany

Servicios Aereos Amazonicos SA
Lima, Peru

Houston Beechcraft, Inc.
9011 Randolph
William P. Hobby Airport
Houston, Tex.

Olympic Helicopters
8241 Perimeter Road South
Boeing Field, SEA

Northern Wings Helicopters
Dorval Quebec, Canada

Western Helicopters
1670 Airport Way
P.O. Box 579,
Rialto, Calif. 92376

Helisolair
Dorval Quebec, Canada

Temsco Helicopters, Inc.
P.O. Box 57
Ketchikan, Alaska 99901

Pertamina Hangar
Pelita Air Service
Kemajoran International Airport
Jakarta, Indonesia

Southland Helicopters
3205 Lakewood Boulevard
Long Beach, Calif. 90712

List of foreign countries which have Hughes Model 369A, 369H, 369HE, 369HS and 369HM helicopters:

| | |
|---|---|
| Agentina | Mexico |
| Australia | New Guinea |
| Belgium | New Zealand |
| Brazil | Nicaragua |
| Canada | Norway |
| Columbia | Peru |
| Dominican Republic | Philippines |
| Denmark | Sierra Leone |
| England | Union of South Africa |
| Finland | Spain |
| France | Sweden |
| Germany | Switzerland |
| Indonesia | Tanzania |
| Ireland | Thailand |
| Italy | |
| Japan | |

[FR Doc.74-6744 Filed 3-22-74;8:45 am]

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[Airspace Docket No. 73-SO-67]

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

### Alteration of Transition Area

On November 2, 1973, a notice of proposed rule making was published in the

FEDERAL REGISTER (38 FR 30276), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Laurel, Miss., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

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

"* * * long. 89°10'20" W.)* * *" is deleted and "* * * long. 89°10'20" W.); within 3 miles each side of the 315° bearing from Tallahala RBN (lat. 31°41'16" N., long. 89°11'26" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN * * *" is substituted therefor.

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

Issued in East Point, Ga., on March 14, 1974.

DUANE W. FREER,
*Acting Director, Southern Region.*

[FR Doc.74-6762 Filed 3-22-74;8:45 am]

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[Airspace Docket No. 74-SO-31]

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

### Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Florence, S.C., control zone and transition area.

The Florence control zone is described in § 71.171 (39 FR 354) and the Florence transition area is described in § 71.181 (39 FR 440). In the descriptions, reference is made to "Florence Municipal Airport." The name of the airport has been changed to "Florence City-County Airport" and it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354) and § 71.181 (39 FR 440), the Florence, S.C., control zone and transition area are amended as follows:

"* * * Florence Municipal Airport * * *" is deleted and "Florence City-County Airport * * *" is substituted therefor.

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

Issued in East Point, Ga., on March 13, 1974.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.74-6763 Filed 3-22-74;8:45 am]

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[Airspace Docket No. 73-WA-4]

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

### Designation of Terminal Control Area and Alteration of Control Zone at Detroit, Mich.

On December 10, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 33994) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Detroit, Mich.

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

The Air Transport Association and the Board of Wayne County Road Commissioners (operators of Detroit Metropolitan Wayne County Airport) endorsed the establishment of the Detroit TCA as proposed. Two commentors concurred in the need for a TCA, however, they made certain recommendations regarding the airspace configuration. The other three commentors objected to the proposal.

The objections were based on the belief that the establishment of a TCA at Detroit was not justified; the energy crisis would provide a reduction in aircraft operations; the TCA would be unduly restrictive because of transponder equipment requirements after January 1, 1975, and that this requirement would effectively eliminate Detroit Metropolitan Wayne County Airport as the primary point of entry for many private aircraft entering the U.S. from Canada; and private aircraft are charged an overtime fee for Customs personnel when landing at other airports of entry in the Detroit area, thus imposing an additional financial hardship on private aviation.

The issue concerning the establishment of a Group II TCA at Detroit was contained in notice 69-41, published in the FEDERAL REGISTER on September 30, 1969 (34 FR 15252), and notice 69-41B, published in the FEDERAL REGISTER on March 13, 1970 (35 FR 4519), which delineated the locations of the 22 hub areas where Group I and Group II TCAs were proposed.

A review of aircraft operations at Detroit Metropolitan Wayne County Airport indicates there has been very little change in aircraft operations. It should be noted, however, that Group II TCAs are not based on the number of operations, but on passenger enplanements. A monitor of the activities at the proposed TCA areas has determined that Detroit still warrants the establishment of a Group II TCA. As a result of such a monitor, Cincinnati was deleted as a proposed Group II TCA location, because it failed to maintain the status of a large hub.

The requirements for the improved transponder equipment have been under development for many years. Regulatory proposals issued in 1965, 1969, and 1972 discussed the requirement for this equipment within the National Airspace System. Numerous members of the aviation community responded to these various proposals with constructive suggestions concerning the problem and many of their suggestions were reflected in the final regulation. There are many reasons for requiring altitude reporting transponders. This equipment eliminates much of the conversation that would otherwise be required between pilot and controller on busy voice communication frequencies. It also furnishes vital altitude information to controllers in situations where the pilot is not in radio communication with the ground system. In effect, with the use of automatic altitude reporting transponder equipment, the present two-dimensional radar becomes three-dimensional. The result of this is a more efficient and safer air traffic control system.

Regarding the availability of Customs services, this service is available at Detroit City Airport from 8 a.m. to 5 p.m. Monday through Friday on a call-up basis at no cost to the user. This service can be obtained by prior arrangement or by a telephone request after arrival. At other than the above hours, there is a charge for this service.

Comments about the TCA configuration included recommendations that the floor of the TCA airspace along the Detroit River be raised to 3,000 feet AGL; the floor of Area C should be raised to at least 3,500 feet MSL to provide more VFR altitudes beneath the TCA floor for aircraft transiting these areas and to avoid the radio towers in the Farmington area; Area D is too large and the area to the southwest should be bounded by U.S. Highway 23, a natural VFR landmark; and the area overlying the Mettetal and National Airports should be raised to 3,000 feet MSL. A possible safety hazard could exist in the vicinity of the Salem VORTAC with aircraft flying around the edge of the TCA between 3,000 feet and 8,000 feet MSL.

The Canadian Ministry of Transport has decided to raise the 2,300-foot floor altitudes of the Canadian airspace over the Detroit River to 3,000 feet MSL. Additionally, the top of the Windsor Positive Control Zone will be raised to 3,000 feet MSL to join the overlying TCA airspace. The Canadian Ministry of Transport has designated airspace over Canadian territory which is compatible with the Detroit TCA and is described as follows:

*Area E*

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL bounded on the west and northwest by the United States/Canadian Border; on the northeast by the Windsor VOR 320° radial; on the southeast by the Windsor VOR 217° radial.

The suggestion to limit the southwest boundary of the 5,000-foot area to U.S. Highway 23 is not practical for the following reasons: The Milan Intersection, located on the western boundary of the TCA is a transitional fix used for the sequencing of arriving aircraft to the Detroit Metropolitan Wayne County Airport and must be located at its present position; the TCA configuration should include this intersection in order to provide the protection of the TCA to arriving aircraft.

The two comments on the desirability of raising the altitude of the 2,300-foot floor to at least 2,800 feet MSL in the airspace overlying the Mettetal and National Airports and the airspace lying southwest of the Detroit Control Zone to allow for additional movement of VFR traffic and a suggestion to raise the floor of the 3,000-foot area to 3,500 feet MSL is not practical because of the following reasons: The TCA floor altitudes are designed specifically to contain jet aircraft departing from the Detroit Wayne County Airport and any change in floor altitudes would mean that jet aircraft would drop out of this protected airspace. The radio towers in the Farmington area are located on the outer edge of the 3,000-foot area that adjoins the 5,000-foot area. It is felt that there is sufficient airspace to safely avoid these towers.

Although some increase of activity over the Salem VORTAC is possible, the use of this VORTAC for defining TCA boundaries in this area should be of benefit to a pilot correlating his position in respect to the TCA.

The FAA has determined that there is no longer a need for the east extension of the 2,300-foot area and it is hereby eliminated.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

1. In § 71.171 (39 FR 354) the Detroit, Mich. (Metropolitan Wayne County Airport), Control Zone is amended by deleting the coordinates "Latitude 42°13'-05'' N., Longitude 83°21'00'' W." and substituting the coordinates "Latiiude 42°13'07'' N., Longitude 83°20'55'' W." therefor.

2. Section 71.401(b) (39 F.R. 636), is amended by adding the Detroit, Mich., Terminal Control Area reading as follows:

DETROIT, MICH., TERMINAL CONTROL AREA

*Primary Airport.* Detroit Metropolitan Wayne County Airport (Lat. 42°13'07'' N., Long. 83°20'55'' W.)

*Boundaries—Area A.* That airspace extending upward from the surface to and including 8,000 feet MSL within the Detroit, Mich. (Metropolitan Wayne County Airport), Control Zone.

*Area B.* That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within a ten-mile radius of Detroit Metropolitan Wayne County Airport excluding Area "A" previously described, that airspace east of the United States/Canadian Border, and the Detroit, Mich. (Willow Run Airport), Control Zone.

*Area C.* That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a sixteen-mile radius of Detroit Metropolitan Wayne County Airport, excluding Areas A and B previously described, that airspace within a three-mile radius arc of the Salem VORTAC, west of the Salem VORTAC 197° radial, and east of the United States/Canadian Border.

*Area D.* That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL south of Detroit Metropolitan Wayne County Airport, bounded on the north by a sixteen-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the east by the United States/Canadian Border, on the south by a twenty-five mile radius arc of the Detroit Metropolitan Wayne County Airport, on the west by the Salem VORTAC 197° radial and the Waterville VORTAC 353° radial; and an area north of Detroit Metropolitan Wayne County Airport bounded on the south by a sixteen-mile radius arc of Detroit Metropolitan Wayne County Airport, on the northwest by the Salem 052° radial, on the northeast by the Windsor VOR 320° radial and on the southeast by the United States/Canadian Border.

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

Issued in Washington, D.C., on March 15, 1974.

GORDON E. KEWER,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.74-6746 Filed 3-22-74;8:45 am]

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[Reg. Docket No. 13577; Amdt 95-244]

## PART 95—IFR ALTITUDES

### Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective April 25, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

*From; To; and MEA*

Yakutat, Alaska, LFR; Cape Yakataga INT, Alaska; 2,000.
Cape Yakataga INT, Alaska; East Cordova INT, Alaska; 5,000.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

Glenallen, Alaska, LF/RBN; *Big Delta, Alaska, LFR; 12,000. *9,200—MCA Big Delta LFR, S-bound.

Section 95.5000 *High altitude RNAV routes:*

From/to; total distance; changeover point *distance from geographic location; track angle; MEA and MAA*

J-861R is amended to read in part:

El Paso, Tex., VORTAC, Wycox, Ariz., W/P; 184.2; 80; El Paso; 269/089 to COP, 267/087 to Wycox; 18,000; 45,000.
Wycox, Ariz., W/P, Elope, Ariz., W/P; 93.2; 46.6; Wycox; 272/092 to COP, 269/089 to Elope; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes:*

J907R is amended to read in part:

Organ, N. Mex., W/P, Wycox, Ariz., W/P; 150.9; 75.4; Organ; 261/081 to COP, 261/081 to Wycox; 18,000; 45,000.
Wycox, Ariz., W/P, Elope, Ariz., W/P; 93.2; 46.6; Wycox; 272/092 to COP, 269/089 to Elope; 18,000; 45,000.

J935R is amended to read in part:

Wycox, Ariz., W/P, Jewel, N. Mex., W/P; 113; 56.5; Wycox; 030/210 to COP, 029/209 to Jewel; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

*FROM; to; MEA*

Helena, Mont., VOR, via N. alter.; *Watson INT, Mont., Via N. alter.; 10,000. *10,500—MCA Watson INT, E-bound.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Waterville, Ohio, VOR, via S. alter.; Cleveland, Ohio, VOR, via S. alter.; 2,700.

Section 95.6013 *VOR Federal airway 13* is amended by adding:

McAllen, Tex., VOR; Harlingen, Tex., VOR; 1,600.
Harlingen, Tex., VOR; Raymondville INT, Tex.; *1,600. *1,300—MOCA.
Raymondville INT, Tex.; Armstrong INT, Tex.; *4,000. *1,300—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.
Harlingen, Tex., VOR, via W. alter.; Fox INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Fox INT, Tex., via W. alter.; Norias INT, Tex., via W. alter.; *2,000. *1,300—MOCA.
Norias INT, Tex., via W. alter.; Jerry INT, Tex., via W. alter.; *4,000. *1,300—MOCA.
Jerry INT, Tex., via W. alter.; Corpus Christi, Tex., VOR, via W. alter.; *1,600. *1,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Findlay, Ohio, VOR; Cleveland, Ohio, VOR; 2,700.

Section 95.6017 *VOR Federal airway 17* is amended by adding:

Brownsville, Tex., VOR; Harlingen, Tex., VOR; 1,500.
Harlingen, Tex., VOR; McAllen, Tex., VOR; 1,600.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

McAllen, Tex., VOR, via S. alter.; Harlingen, Tex., VOR, via S. alter.; 1,600.
Harlingen, Tex., VOR, via S. alter.; Raymond-

ville INT, Tex., via S. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via S. alter.; Armstrong INT, Tex., via S. alter.; *4,000. *1,300—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR; Lasara INT, Tex.; 1,600.
Lasara INT, Tex.; Morias INT, Tex.; *4,000. *1,300—MOCA.
Norias INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Eddy INT, Fla.; Cross City, Fla., VOR; *2,000. *1,400—MOCA.
*Crayfish INT, Fla., via W. alter.; Cross City, Fla., VOR, via W. alter.; **5,000. *4,000—MRA. **1,400—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Findlay, Ohio, VOR; Waterville, Ohio, VOR; 2,500.

Section 95.6053 *VOR Federal airway 53* is amended to delete:

Peotone, Ill., VOR; City INT, Ill.; *2,600. *2,300—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Little Rock, Ark., VOR; via N. alter.; Pine Bluff, Ark., VOR, via N. alter.; 2,000. *1,600—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Eau Claire, Wis., VOR; *Westboro INT, Wis.; **3,700. *3,700—MRA. **3,000—MOCA.
Westboro INT, Wis.; Rhinelander, Wis., VOR; *3,700. *3,000—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Tallahassee, Fla., VOR; Albany, Ga., VOR; 2,000.

City INT, Ill.; Peotone, Ill., VOR; *2,600. *2,300—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to delete:

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Mansfield, Ohio, VOR; U.S. Canadian Border; 3,000.

Section 95.6144 *VOR Federal airway 144* is amended to delete:

City INT, Ill.; Peotone, Ill., VOR; *2,600. *2,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to delete:

Brownsville, Tex., VOR; via W. alter.; Harlingen, Tex., VOR, via W. alter.; 1,500.
Harlingen, Tex., VOR; via W. alter.; Raymondville INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via W. alter.; Armstrong INT, Tex., via W. alter.; *4,000. *1,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended by adding:

Brownsville, Tex., VOR; via W. alter.; Madre INT, Tex., via W. alter.; 1,500.
Madre INT, Tex., via W. alter.; Raymondville INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via W. alter.; Jerry INT, Tex., via W. alter.; *4,000. *1,300—MOCA.
Jerry INT, Tex., via W. alter.; Corpus Christi, Tex., VOR, via W. alter.; *1,600. *1,500—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Brownsville, Tex., VOR; Mansfield INT, Tex.; *1,500. *1,300—MOCA.
Mansfield INT, Tex.; Armstrong INT, Tex.; *4,000. *1,300—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Wausau, Wis., VOR; *Westboro INT, Wis.; 3,600. *3,700—MRA.
Westboro INT, Wis.; Union INT, Wis.; *6,000. *2,800—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to delete:

Harbor View INT, Ohio; Sandusky, Ohio, VOR; 2,600.
Sandusky, Ohio, VOR; Crib INT, Ohio; *3,000. *2,100—MOCA.

Section 95.6435 *VOR Federal airway 435* is amended to read:

Rosewood, Ohio, VOR; Int. 042 M rad Rosewood VOR and 255 M rad Cleveland VOR; *3,500. *2,700—MOCA.
Int. 042 M rad Rosewood VOR and 255 M rad Cleveland VOR; Cleveland, Ohio, VOR; 2,700.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Waterville, Ohio, VOR; Carleton, Mich., VOR; 2,400.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).)

Issued in Washington, D.C. on March 13, 1974.

JAMES M. VINES,
*Chief,*
*Aircraft Programs Division.*

[FR Doc.74-6209 Filed 3-22-74;8:45 am]

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[Docket No. 12040; Amdt. No. 103-21]

## PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIC MATERIALS

### Reporting Certain Dangerous Article Incidents

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to permit certificate holders under Parts 121, 127, and 135 of the Federal Aviation Regulations an option regarding the place to which they may report certain incidents involving dangerous articles.

This amendment is based on a notice of proposed rule making (Notice No. 73-17) published in the FEDERAL REGISTER on June 7, 1973 (38 FR 14963). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to the comments received in response to that notice. This amendment and the reasons therefor are the same as those contained in notice 73-17.

Of the three comments received in response to the Notice, only one opposed the rule change based on the belief that the nearest FAA facility should be notified immediately of any unintentional release of hazardous materials to insure that appropriate immediate requirements are implemented. As was noted in notice 73-17, however, it appears that, in some instances, the objective of immediate notification may be more effectively achieved if certificate holders under Parts 121, 127, and 135 are permitted to report to the FAA District Office holding the carrier's operating certificate and charged with the overall inspection of the certificate holder's operations. Accordingly, § 103.28 is amended herein to permit certificate holders under Parts 121, 127, and 135 such an option.

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

In consideration of the foregoing, § 103.28 of the Federal Aviation Regulations is amended, effective April 22, 1974, to read as follows:

**§ 103.28 Reporting certain dangerous article incidents.**

(a) Each carrier that transports dangerous articles shall report to the nearest ACDO, FSDO, GADO, or other FAA facility, except that in lieu of reporting to the nearest of those facilities a certificate holder under Part 121, 127, or 135 of this chapter may report to the FAA District Office holding the carrier's operating certificate and charged with overall inspection of its operations, by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any dangerous article—

* * * * *

Issued in Washington, D.C., on March 14, 1974.

ALEXANDER P. BUTTERFIELD,
*Administrator.*

[FR Doc.74-6745 Filed 3-22-74;8:45 am]

# Proposed Rules

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

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Part 3300 ]

### OUTER CONTINENTAL SHELF LEASING; GENERAL

### Proposed Hard Mineral Leasing Regulations; Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to permit the proper development of deposits on the outer continental shelf of all minerals other than oil and gas, sulphur and salt, which are treated in the present 43 CFR Part 3300, which was published in the FEDERAL REGISTER, Vol. 39, No. 23, February 1, 1974, is hereby extended from March 15, 1974, to April 15, 1974.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public additional opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until April 15, 1974.

JACK O. HORTON,
*Assistant Secretary of the Interior.*

MARCH 18, 1974.

[FR Doc.74-6735 Filed 3-22-74;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 Recommended Decision and Opportunity To File Written Exceptions

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Appalachian marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before April 4, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Bristol, Virginia, on February 8, 1974, pursuant to notice thereof which was issued February 4, 1974 (39 FR 4483).

The material issues on the record of the hearing relate to:

1. The Class II milk price.
2. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price.* The Class II price should be the Minnesota-Wisconsin (M-W) price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

The present Class II price, which averaged $5.57 in 1973, is the average of the prices paid for ungraded milk at specified local manufacturing plants in March-August and, in other months, the higher of that average price or a butter-powder formula price. The local plant pay price and the order's butter-powder formula price for 1973 averaged $5.24 and $6.00, respectively. The 1973 M-W price averaged $6.30. The 1973 differences between these various prices are consistent with those that have prevailed for a number of years. (The prices referred to throughout this discussion are for a hundredweight of milk containing 3.5 percent butterfat.)

A cooperative representing all but one of the producers on the market proposed that the Class II price be the lower of the M-W price or a butter-powder formula price, with a proviso that the Class II price be not less than the M-W price minus 20 cents. The butter-powder formula proposed by the cooperative is presently used as a snubber price in conjunction with the M-W price in a number of other orders. Such formula price is 23 cents more than that resulting from the butter-powder formula now provided in the order. There was no opposition to changing the present basis for pricing Class II milk.

The Class II pricing provisions of the order, essentially unchanged since inception of the order in 1954, do not appropriately reflect the value of milk for manufacturing use in the market. Of the 10 specified local manufacturing plants, the pay prices for ungraded milk of which are used as a Class II price determinant, three are no longer in operation. The remaining plants receive both can and bulk tank ungraded milk from dairy farmers. Each plant's reported pay price used in computing the Class II price is a simple average of its pay price for can and bulk tank milk. The pay prices for can milk are from $1.25 to $1.40 below pay prices for bulk tank milk. Currently, the pay prices at these plants for bulk tank milk are 10 to 15 cents more than the M-W price.

The proponent cooperative sells the milk of member producers in excess of its buying handlers' needs to local manufacturing plants at a price 25 to 50 cents above the M-W price. Apart from its Grade A operations, the cooperative purchases ungraded milk from local dairy farmers for manufacturing uses. The cooperative's pay price for this milk currently is 15 cents more than the M-W price.

A substantial part of the Class II milk pooled under the order is utilized in the higher-valued Class II outlets, such as cottage cheese and ice cream mix. Production, however, is not adequate on a year-round basis to supply fully handlers' needs for these uses. Handlers commonly utilize nonfat dry milk to produce cottage cheese when local milk is not available. Their costs for nonfat solids from this source are significantly greater than would be the case for solids in milk purchased at the order Class II price.

Proponent cooperative is the primary supplier of all handlers under the order. The milk made available to handlers for Class II uses by the cooperative is priced at the M-W price plus a stated differential.

The spokesman for the proponent cooperative stated that the Class II price should reflect the competitive value of milk for manufacturing uses and should be appropriately aligned with the prices in orders regulating handlers with which Appalachian handlers have substantial competition. He cited particularly the competition of Appalachian order handlers with handlers under the Ohio Valley and the Middle Atlantic orders. However, on cross examination he could not substantiate any significant competition between regulated Appalachian and Middle Atlantic order handlers.

The competition with Ohio Valley handlers, related by proponent, is specifically with regard to cottage cheese sales. While proponent spokesman noted that the Ohio Valley lowest class price (Class III) is the lesser of the M-W price or a butter-powder formula, milk used to produce cottage cheese (Class II) under that order is priced at the M-W price plus 10 cents.

Notwithstanding proponent's position, the Appalachian order sales and the production areas overlap those of the nearby Knoxville order substantially more than any other order. The Class II price under the Knoxville order is the M–W price, which is here adopted for the Appalachian order.

Since more than half the manufacturing grade milk in the United States is produced in Minnesota and Wisconsin, tht M–W manufacturing milk price series reflects the value of manufacturing milk nationwide. This price series reflects a price level determined by open competition among unregulated manufacturing plants for the available milk supply and the finished products are sold competitively on a national market.

The M–W price is used in most orders as a basis for pricing milk in the lowest price class. Indicative of this is the decision issued February 19, 1974 (39 FR 8452, et al.) that adopts the M–W price as the lowest class (Class III) price in 32 orders. Official notice is taken of that decision. The same decision adopts a price 10 cents above the M–W price as the price for Class II milk, which includes milk used to produce higher-valued manufactured milk products such as cottage cheese and ice cream mix.

The cooperative's proposal (utilizing a butter-powder formula in conjunction with the M–W price to determine the Class II price) could result in a Class II price as much as 20 cents below the M–W price. The testimony presented at the hearing, however, provided no justification for a Class II price at this time less than the M–W price. The cooperative is able to market all milk in excess of its buying handlers' Class I needs at a price equal to or above the M–W price. Moreover, milk for Class II uses is not available to regulated handlers from the cooperative or from alternative sources of supply at less than the M–W price. Additionally, the value of milk for manufacturing purposes locally, as indicated by the prices paid for both Grade A and ungraded milk in bulk by local manufacturing plants, is above the level of the M–W price. Under these circumstances, it is concluded that the M–W pay price should be established as the appropriate means for pricing milk for other than Class I use under the Appalachian order.

2. *Need for emergency action.* The notice of hearing provided for evidence to be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposal to change the Class II pricing provisions. At the hearing, proponent recognized a need for prompt action on the proposal, but stated that marketing conditions did not require emergency action. Moreover, no testimony was presented at the hearing to justify omission of the recommended decision and the opportunity to file exceptions thereto. The proposal for taking emergency action is therefor denied.

### Rulings on Proposed Findings and Conclusions

A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

### General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

### Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Appalachian marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1011.51, paragraph (b) is revised as follows:

**§ 1011.51 Class prices.**

* * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Signed at Washington, D.C., on March 20, 1974.

JOHN C. BLUM,
*Deputy Administrator,*
*Regulatory Programs.*

[FR Doc.74-6811 Filed 3-22-74;8:45 am]

## DEPARTMENT OF COMMERCE

### Maritime Administration

### [ 46 CFR Part 381 ]

### CARGO PREFERENCE; U.S.-FLAG VESSELS

### Availability of Privately Owned Vessels; Correction

In FR Doc. 74-6098, appearing in the FEDERAL REGISTER of March 15, 1974, (39 FR 9984) the typographical error in paragraph (a) of § 381.7, *Availability of U.S.-flag vessels,* indicating "that experiences difficulty in filing civilian preference cargo on privately owned U.S.-flag commercial vessels, * * *" is hereby corrected to read, "that experiences difficulty in fixing civilian preference cargo on privately owned U.S.-flag commercial vessels, * * *"

Dated: March 20, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
*Secretary.*

[FR Doc.74-6816 Filed 3-22-74;8:45 am]

### National Oceanic and Atmospheric Administration

### [ 50 CFR Part 280 ]

### YELLOWFIN TUNA

### Eastern Pacific Fisheries

The resolution adopted by the Inter-American Tropical Tuna Commission for 1974 recommends to continue in 1974 the experimental fishing program in effect since 1969.

The Commission's resolution for 1974, as in 1973 allows vessels of less than 400 short tons, carrying capacity to fish for yellowfin tuna within the regulatory area during the closed season under such restrictions as may be necessary to limit the catch of yellowfin by such vessels to 6,000 tons during 1974. Regarding this allotment, the National Marine Fisheries Service recommends that the 1974 allotments to small seiners and bait and jig boats remain the same as in 1973, namely:

(1) Purse seiners of 400 short tons carrying capacity or less: 4,400 short tons.

(2) Bait and jig boats: 2,300 short tons.

The yellowfin tuna incidental catch limitation for each vessel category is recommended as follows:

(1) Purse seiners of 301–400 short tons carrying capacity: 40 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 70 days may land 20 percent by round weight of each vessel's established short ton carrying capacity.

(2) Purse seiners of 300 short tons carrying capacity or less: 60 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 50 days may land 25 percent by round weight of each vessel's established short ton carrying capacity.

(3) Bait and jig boats: 50 percent by round weight of each vessel's established short ton carrying capacity.

The total allotment for 1974 is 6,700 short tons. The additional 700 tons allotted to the vessels under 400 short tons carrying capacity is expected to be available from the unused portion of the overall country 15 percent incidental catch.

Experience gained since the last publication of amendment to the yellowfin tuna regulations on March 6, 1973, indicates a need for further amendments to the regulations to make them more effective in implementing the yellowfin conservation measures recommended by the Commission.

The proposed changes and their rationale are presented below:

(1) Section 280.7(1). A new section to be added as follows:

> Any vessel sighted inside the regulatory area while reporting its position as outside the area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

This section is necessary to insure that an equitable and prompt determination may be made as to whether criminal or civil penalties shall be invoked and the case may be expeditiously processed. Failure to return to port as required, would subject the master and the catch to the criminal and civil penalties provided in the Act, as appropriate in the circumstances.

(2) In the interest of clarity, it is proposed that the mathematical formulas used to determine the amount of yellowfin tuna, that may legally be landed by a vessel subject to one of the incidental catch rates be added to the regulations. This amendment in no way changes the incidental catch rates.

We therefore propose to add at the end of §§ 280.7(b)(1) and 280.(j), and immediately before the last sentences in §§ 280.7(b)(2), 280.7(b)(3), and 280.7(b)(4)(ii): "Legal yellowfin tuna=15/85 times mingled species catch.)"

Add immediately before proviso to § 280.7(b)(2): "(Legal Yellowfin tuna =40/60 times mingled species catch.)"

Add immediately before proviso to § 280.7(b)(2): "(Legal yellowfin tuna =60/40 times mingled species catch.)"

(3) Present regulations that implement conservation measures on the taking and transporting of yellowfin tuna require recordkeeping and written reports from masters or other persons in charge of a tuna vessel. The National Marine Fisheries Service has determined that a similar requirement should be imposed on cargo vessels that transship from another country to the United States tuna taken in the Eastern Tropical Pacific.

Therefore, it is our intent to amend § 280.9 to require, before obtaining permission from the U.S. Customs to unload round tuna, information regarding the source of such cargo and to state the penalty if such information is not provided.

Section 280.9 is amended by adding new paragraphs (f), (g), and (h) as set forth below.

Because numerous amendments to the original 1962 Yellowfin Tuna regulations have taken place since the last complete reprinting on March 4, 1972 we are herewith reprinting the entire regulations. Other than the above substantial changes, any changes are editorial.

Before final adoption of amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 400 South Ferry Street, Terminal Island, CA 90731, on or before April 4, 1974. Interested persons will be afforded an opportunity to comment on the proposed amendments at a public hearing to be held in the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., April 2, 1974. Any person who intends to testify at this hearing is requested to furnish in writing, prior to the hearing, his name and the name of the organization he represents, if any, to the Regional Director.

The proposed amendments are issued under the authority contained in subsection (c) of Section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)), as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated March 25, 1974.

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

Part 280 of 50 CFR is revised as set forth below:

## PART 280—YELLOWFIN TUNA

Sec.



AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

### § 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(e) *Service director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, telephone number, area code, 213, 548–2575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast. Except that for 1974 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10°south latitude; thence west along 10° south latitude to 110° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus albacores.*

(i) *Mingled species.* (1) Any species of billfish or shark.

(2) No other species of the family Scombridae except: Skipjack (*Euthynnus pelamis*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

**§ 280.2 Basis and purpose.**

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

**§ 280.3 Catch limits.**

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

**§ 280.4 Open season.**

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

**§ 280.5 Closed season.**

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

**§ 280.6 Open season restrictions applicable to fishing vessels.**

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This requirement will also apply, for 1974 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of Section 280.1. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)."

**§ 280.7 Closed season restrictions applicable to fishing vessels.**

Except as otherwise provided in this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

(a) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1974 only, any fishing vessel which is in port at the closure and has either (i) completed a voyage in the regulatory area during the 1974 open season or (ii) completed a voyage in the regulatory area during 1973 will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter.

(2) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage cor-

responding to the delayed departure date.

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in subparagraphs (1) to (3) of this paragraph as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided in (b)(1) to (b)(3) of this section shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch (legal yellowfin tuna=$\frac{15}{85}$ times mingled species catch).

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch (legal yellowfin tuna = 40/60 times mingled species catch): *Provided however*, That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch (legal yellowfin tuna= 60/40 times mingled species catch): *Provided however*, That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 4,400 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with subparagraph (4) of this paragraph. When the catch of yellowfin tuna by bait and jig boats collectively reached 2,300 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing Owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of paragraph (b)(2) of this section.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of (b)(1) of this section.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowtail tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in (b) (2) and (3) of this section may be adjusted upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowances, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

(c) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (b) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(1) Any fishing vessel having incidentally caught yellowfin tuna aboard may, however, begin fishing on January 1 for yellowfin tuna without restriction, provided such vessels are made available for inspection during the period December 27 through December 31. A request for the designation of an inspection port shall be made to the Regional Director on or before December 23. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing incidentally caught yellowfin tuna and the same will be noted in the vessel's log. Fish in the wells at the time of inspection shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, regardless of the date of unloading. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of any unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service. Inspected vessels shall not be allowed to leave port to resume fishing activities until 0001 hours, January 1.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. For 1974 only, the area described in the second sentence of paragraph (g) of Section 280.1 is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the

vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)." Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(e) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (d) of this section and shall proceed without delay directly to waters outside the regulatory area.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(f) Any fishing vessel which on the same voyage operates within and outside the regulatory area shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, unless such vessel is made available for inspection as provided in this paragraph.

(1) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area, as appropriate, and the same will be noted in the vessel's log. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(g) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage, regardless of its arrival date in port.

(h) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area.

(i) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(j) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity of less shall (1) unload in a U.S. port after each voyage begun during the closed season, or

(2) transship all fish taken on such voyages to a U.S. port in accordance with paragraphs (i) of this section. Any vessel failing to follow the procedures of this paragraph, shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch (legal yellowfin tuna = $15/85$ times mingled species catch).

(k) All reports required in paragraphs (d) to (i) of this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

(l) Any vessel sighted inside the regulatory area while reporting its position as outside the regulatory area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

### § 280.8 Emergency action by service director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to the fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(b) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(b).

### § 280.9 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of 46 U.S.C. 251, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in port of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which each country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold

a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of fish received, but it shall contain restrictions as the Regional Director shall determine to be necessary to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna shall be required to provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following informations with respect to such cargo:

(1) Name, official number, and flag of each fishing vessel that transferred tuna either directly or indirectly through loading at port facilities, and whose tuna is aboard the cargo vessel at the time it seeks the aforesaid permission.

(2) Date of transfer or loading.

(3) Location of transfer or loading; and

(4) Certification from the master of each such fishing vessel that transferred such tuna setting forth the tonnage of tuna by species caught inside the regulatory area, tonnage by species of tuna caught outside the regulatory area, and as to each category, the dates of harvesting.

(g) Any cargo vessel failing to provide the information required in paragraph (f) of this section shall be denied the privilege of unloading its cargo of tuna in a port of the United States.

(h) Any person who knowingly unloads or permits to unload tuna from a cargo vessel in violation of paragraph (f) of this section or any person who knowingly provides false information in violation of paragraph (f) of this section shall, as well as the cargo of tuna, be subject to the penalties provided for in the Act.

**§ 280.10 Restrictions applicable to purchasers.**

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, and person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–956).

(c) The proceeds of any sale made pursuant to paragraph (v) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875 (17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seized any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

**§ 280.11 Recordkeeping and written reports.**

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weightout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weightout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

**§ 280.12 Persons and vessels exempted.**

Nothing contained in § 280.2 to § 280.11 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personnel use.

**§ 280.13 National Oceanic and Atmospheric Administration Employees designated as enforcement agents.**

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

**§ 280.14 State Officers designated as enforcement agents.**

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has duly designated by the Service Director or his delegate with the consent of the Government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[FR Doc.74-6853 Filed 3-22-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 27 ]

### CANNED PLUMS

### Proposed Amendment to Standard of Identity and Establishment of Standards of Quality and Fill of Container; Correction

In FR Doc. 74-1510 appearing at page 2377 in the issue for Monday, January 21, 1974, paragraph (c)(1)(ii) was inadvertently dropped from § 27.45 on page 2382.

As corrected, § 27.45(c)(1) reads as follows:

**§ 27.45 Canned plums; identity; label statement of optional ingredients.**

* * * * *

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section which may be used as such, or to which any one or any combi-

nation of two or more safe and suitable nutritive carbohydrate sweetner(s) may be added, are:

(i) Water;

(ii) Fruit juice(s) and water; and

(iii) Fruit juice(s).

* * * * *

Dated: March 18, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74-6753 Filed 3-22-74;8:45 am]

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## [ 21 CFR Part 53 ]

## TOMATO JUICE

### Proposal To Amend Standard of Identity

Notice is given that the Del Monte Corp., 215 Fremont St., P.O. Box 3575, San Francisco, CA 94119, has filed a petition proposing to amend the standard of identity for tomato juice (21 CFR 53.1) to provide for the addition of ascorbic acid (vitamin C) in such quantity that the total vitamin C content in each 6 fluid ounces of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. The petitioner also proposes that use of the vitamin be declared on the label by one of the following statements: "added vitamin C", "with added vitamin C", or "fortified with vitamin C", and that the label bear nutritional information in accorance with the requirements promulgated in 21 CFR Part 1.

Grounds given by the petitioner in support of the proposed amendment are:

1. Tomato juice is frequently consumed as a morning or breakfast beverage.

2. When consumed at breakfast time, it replaces or is a substitute for citrus juices, pineapple juice or other fruit beverages containing a significantly higher amount of vitamin C, either occurring naturally or added to the juice or beverage.

3. Tomato juice contains a natural but limited amount of vitamin C. However, because the amount of the nutrient is limited, those persons who prefer tomato juice, rather than other fruit juices of higher vitamin C content, are not able to substitute tomato juice as an equally good source of vitamin C.

4. Having a fortified tomato juice available at the level proposed will benefit consumers in the following ways:

a. Providing a wider choice of juices, which fulfill the U.S. RDA for vitamin C and which have significantly different organoleptic characteristics, will aid in assuring that each member of a consumer's family, though having different preferences, can more readily obtain the optimum amount of vitamin C each day.

b. It is common practice for consumers to rely heavily on beverages served at breakfast as a major source of vitamin C. Most of these juices do provide 100 percent of the U.S. RDA for vitamin C. Data on tomato juice consumption rate and pattern reveal that over half of all tomato juice is consumed at breakfast. Therefore, it is in the best interest of consumers to have tomato juice available that also provides 100 percent of the U.S. RDA for vitamin C.

c. For those consumers wishing to control their caloric intake, vitamin C-fortified tomato juice will be particularly advantageous because it contains only about one-half the caloric content of other popular juices now available which supply 100 percent of the U.S. RDA for vitamin C.

Therefore, the Del Monte Corporation petition proposes to amend Part 53 by revising § 53.1 to read as follows:

§ 53.1 Tomato juice; identity; label statement of optional ingredients.

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 6 fluid ounce serving of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. This level of ascorbic acid will be deemed to have been met if a reasonable overage of ascorbic acid, within limits of good manufacturing practice, is present to insure that the required level of ascorbic acid is maintained throughout the expected shelf life of the food under customary conditions of distribution. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When vitamin C is added as provided in paragraph (a) of this section, it shall be designated on the label as "added vitamin C", or "with added vitamin C" or "fortified with vitamin C". Further, the label shall bear such additional information in accordance with the requirements promulgated in 21 CFR Part 1 as applicable.

The petitioner's proposal is interpreted as requiring that when vitamin C is added the statement "added vitamin C", or "with added vitamin C," or "fortified with vitamin C" shall appear on the principal display panel accompanying the name of the food. The Commissioner proposes that the only requirements for declaring added vitamin C be the applicable sections of Part 1 of this chapter including § 1.17. The Commissioner's proposal would not preclude a manufacturer from placing a factual and nonmisleading statement concerning added vitamin C on the principal display panel.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs, 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919; 21 U.S.C. 341, 371 (e)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 53 by revising § 53.1 to read as follows:

**§ 53.1 Tomato juice; identity; label statement of optional ingredients.**

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 6 fluid ounce serving of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. This level of ascorbic acid will be deemed to have been met if a reasonable overage of ascorbic acid, within limits of good manufacturing practice, is present to insure that the required level of ascorbic acid is maintained throughout the expected shelf life of the food under customary conditions of distribution. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may on or before April 24, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 18, 1974.

VIRGIL O. WODICKA,
*Director, Bureau of Foods.*

[FR Doc.74-6755 Filed 3-22-74;8:45 am]

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# DEPARTMENT OF TRANSPORTATION

## United States Coast Guard

## [ 33 CFR Part 117 ]

[CGD 74 48]

## MYSTIC RIVER, MASS.

### Drawbridge Operation Regulations

At the request of the Metropolitan District Commission, Boston, Massachusetts, the Coast Guard is considering amending the regulations for the Wellington Bridge across the Mystic River, between Somerville and Medford to allow the draw to remain closed to the passage of vessels. Present regulations require the draw to open for large vessels during certain periods of each day and for all vessels at other times. The draw has been opened on rare occasions and the entire bridge is scheduled to be replaced within the next few years.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, First Coast Guard District (oan), 150 Causeway Street, Boston, Massachusetts 02114. 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, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments re-

ceived before April 30, 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 33 CFR Part 117, be amended by adding a new subparagraph (3) to paragraph (g) of § 117.75 to read as follows:

**§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.**

* * * * *

(g) *Mystic River—Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.*

* * * * *

(3) *Wellington Bridge between Somerville and Medford.* The draw need not open for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

* * * * *

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

Dated: March 15, 1974.

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

[FR Doc.74-6731 Filed 3-22-74;8:45 am]

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## Federal Aviation Administration

## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-RM-4]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Helena, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 19, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

Instrument approach procedures at Helena, Mont., have been revised to include 15 nautical miles DME transition arcs to the ILS runway 26 and VOR/DME runway 26 SIAPs. Additional controlled airspace is required east of Helena VORTAC to provide protection for aircraft holding at Hauser NDB/Sewell DME fix.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) amend the 1200-foot transition area at Helena, Mont., to read:

* * *; and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Helena VORTAC, extending from the Helena VORTAC 272° radial clockwise to the Helena VORTAC 191° radial; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the VORTAC to 45 miles west of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 24-mile radius area to 36 miles northeast of the VORTAC; and within 6 miles south and 9.5 miles north of the Helena VORTAC 102° radial, extending from the 24-mile radius area to 28.5 miles east of the VORTAC.

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

Issued in Aurora, Colorado, on March 15, 1974.

I. H. HOOVER,
*Acting Director, Rocky Mountain Region.*

[FR Doc.74-6768 Filed 3-22-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SO-30]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Knoxville transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * excluding the portion within the Morristown, Tenn., transition area * * *" would be deleted and "* * * within an 8-mile radius of Knoxville Downtown Island Airport (latitude 35°57'45" N., longitude 83°52'30" W.); excluding the portion within Morristown, Tenn., transition area * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for additional IFR operations at Knoxville Downtown Island Airport. A prescribed instrument approach procedure to this airport, utilizing the Knoxville VORTAC and conducting the approach from the north, is proposed in conjunction with the alteration of this transition area.

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

Issued in East Point, Ga., on March 13, 1974.

PHILLIP M. SWATEK,
*Director, Southern Region.*

[FR Doc.74-6764 Filed 3-22-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-EA-11]

## TRANSITION AREA

### Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lewisburg, W. Va., Transition Area (39 FR 529).

A new instrument landing system approach procedure to Runway 4 was recently developed for the Greenbrier Valley Airport, Lewisburg, W. Va. The new procedure will require additional 700-foot floor transition area to provide controlled airspace for the holding pattern associated with the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lewisburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Lewisburg, W. Va. 700 foot floor transition area as follows: In the text, delete, "within 3-miles each side of the 216° bearing from the Lewisburg, W. Va. RBN (lat. 37°46'52" N., long. 80°28'10" W.) extending from the RBN to 9.5 miles southwest" and by substituting, "within 6.5 miles west and 4.5 miles east of a 216° bearing from the Lewisburg, W. Va. RBN extending from the RBN to a point 11.5 miles southwest of the RBN.".

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

Issued in Jamaica, N.Y., on March 7, 1974.

JAMES BISPO,
*Deputy Director,*
*Eastern Region.*

[FR Doc.74-6771 Filed 3-22-74;8:45 am]

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**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-NW-05]

**TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

This amendment would provide additional controlled airspace for radar vectoring of enroute and arriving aircraft at Eugene, Oregon; thereby permitting more direct routing and some decrease in the distance flown.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Eugene, Oregon Transition Area is amended to read as follows:

EUGENE, OREGON

That airspace extending upward from 700 feet above the surface within a 21-mile radius of the Eugene VORTAC; that airspace extending upward from 1200 feet above the surface northeast of Eugene, bounded on the north by V-536, on the southeast by V-121N (proposed), on the southwest by the arc of the 21-mile radius circle, on the northwest by V-23E; that airspace east of Eugene bounded on the north by V-121 (proposed), on the east by latitude 122°30'00" W. on the southwest by V-452 and on the west by the arc of the 21-mile radius circle.

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

Issued in Seattle, Washington on March 12, 1974.

C. B. WALK, Jr.,
*Director, Northwest Region.*

[FR Doc.74-6765 Filed 3-22-74;8:45 am]

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**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-NW-04]

**TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

The proposed amendment to the Portland, Oregon Transition Area would provide lower minimum vector altitudes between Salem and Redmond, Oregon and lower minimum altitudes for vectoring enroute aircraft operating to and from Portland, Medford and Eugene, Oregon.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Portland, Oregon Transition Area is amended as follows.

Delete the last sentence of the description beginning, "That airspace south of Portland extending upward from 10,000 feet MSL * * *" and substitute the following, "That airspace south of Portland extending upward from 7500 feet MSL bounded on the north by the 60-mile circle centered on Portland International Airport, on the northeast by the southwest edge of V-165, on the east by longitude 120°00'00"W, on the south by the north edge of V-536, on the west by longitude 122°23'00"W; that airspace southeast of Portland extending upward from 10,000 feet MSL bounded on the northeast by the southwest edge of V-165, on the south by the north edge of V-536, and on the west by longitude 122°00'00"W."

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

Issued in Seattle, Washington on March 11, 1974.

C. B. WALK, Jr.,
*Director, Northwest Region.*

[FR Doc.74-6767 Filed 3-22-74;8:45 am]

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**[ 14 CFR Part 71 ]**

[Airspace Docket No. 74-EA-13]

**TRANSITION AREA**

**Proposed Alteration**

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Potsdam, N.Y. (39 FR 571) and Ogdensburg, N.Y. (39 FR 557) Transition Areas.

A new instrument approach procedure to Runway 24 at Potsdam, N.Y. Airport, based on the Potsdam, N.Y. non-federal radio beacon, is in development. To provide controlled airspace for the procedure

will require alteration of the transition areas.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

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

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Potsdam, N.Y. 700-foot floor transition area by adding, "and within 3.5 miles each side of a 044° bearing from the Potsdam, N.Y. radio beacon (lat. 44°43'24" N., long. 74°52'59" W.) extending from the 6.5 mile radius area to 11.5 miles northeast of the radio beacon." following, "long. 74°57'00" W.".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Ogdensburg, N.Y. 1200-foot floor transition area by deleting, "to point of beginning." and by substituting "44°42'00" N., 74°54'00" W.; to 44°36'-00" N., 75°00'00" W.; to point of beginning.", therefor.

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

Issued in Jamaica, N.Y., on March 7, 1974.

JAMES BISPO,
*Deputy Director,*
*Eastern Region.*

[FR Doc.74-6770 Filed 3-22-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-SW-10]

### TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Yoakum, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition is added:

YOAKUM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50" N, longitude 97°08'18" W) and within 3.5 miles either side of the 143°T (135°M) radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50" N, longitude 97°08'-18" W).

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 31 (original) approach procedure at the Yoakum Municipal Airport, Yoakum, Tex.

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

Issued in Fort Worth, TX, on March 11, 1974.

ALBERT H. THURBURN,
*Director, Southwest Region.*

[FR Doc.74-6766 Filed 3-22-74;8:45 am]

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## [ 14 CFR Part 71 ]

[Airspace Docket No. 74-EA-14]

### TRANSITION AREA

### Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Norwich, N.Y., Transition Area over Warren Eaton Airport, Norwich, New York.

A VOR/DME instrument approach procedure has been developed for Warren Eaton Airport, Norwich, N.Y., and will require designation of a Norwich, N.Y., transition area to provide controlled airspace protection for IFR arrivals and departures at Warren Eaton Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

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

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Norwich, N.Y. transition as follows:

NORWICH, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°34'00" N., 75°31'30" W., of Warren Eaton Airport, Norwich, N.Y.; within a 12.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 103° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 351° bearing from the airport.

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

Issued in Jamaica, N.Y., on March 11, 1974.

JAMES BISPO,
*Deputy Director,*
*Eastern Region.*

[FR Doc.74-6769 Filed 3-22-74;8:45 am]

[ 14 CFR Part 71 ]

[Airspace Docket No. 74-SO-10]

## VOR FEDERAL AIRWAYS

### Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke airway segments in the Atlanta, Ga., to Charlotte, N.C., area which are no longer needed.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Revoke V-194, in part, between Norcross, Ga., and Liberty, N.C.

2. Revoke V-296, in part, between Sugarloaf Mountain, N.C., and Fort Mill, S.C.

The FAA proposes to revoke these airway segments because they do not conform to the new traffic flow patterns associated with revised terminal area procedures at Anderson County Airport, Anderson, S.C., and Douglas Municipal Airport, Charlotte, N.C. Other existing airways provide adequate routings for aircraft operating in this area.

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

Issued in Washington, D.C., on March 15, 1974.

GORDON E. KEWER,
*Acting Chief, Airspace and Air Traffic Rules Division.*

[FR Doc.74-6747 Filed 3-22-74;8:45 am]

# ENVIRONMENTAL PROTECTION AGENCY

[ 40 CFR Part 15 ]

## FEDERAL CONTRACTS, GRANTS, OR LOANS

### Administration of the Clean Air Act and the Federal Water Pollution Control Act

Pursuant to his authority under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and particularly section 306 of that Act, which was added by the Clean Air Act Amendments of 1970 (Pub. L. 91-604), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) and particularly section 508 of that Act, which was added by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the President on September 10, 1973, issued Executive Order 11738, providing for the administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. Executive Order 11738 superseded Executive Order 11602, dated June 29, 1971, providing for the administration of the Clean Air Act with respect to Federal contracts, grants, or loans.

Section 5 of Executive Order 11738 requires the Administrator of the Environmental Protection Agency to issue implementing rules and regulations. Regulations implementing the air requirements were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 38 FR 35310). The regulations which follow are intended to revise the previously promulgated air regulations to incorporate appropriate provisions respecting the water requirements of the Executive Order.

The proposed program is intended to supplement Federal, State, and local enforcement activities under the Clean Air Act and the Federal Water Pollution Control Act. The primary purpose of the program is to ensure that facilities in noncompliance with clean air and water standards are not utilized for Federal contracts, grants, or loans.

Interested persons may submit written comments on or before April 24, 1974 in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, D.C. 20460. All revelant comments received within this thirty (30) day period shall be considered.

Dated: March 15, 1974.

JOHN QUARLES,
*Acting Administrator.*

It is proposed to revise 40 CFR Part 15 as follows:

## PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

### Subpart A—Administrative Requirements



### Subpart B—Remedies



### Subpart C—Ancillary Matters



### Subpart A—Administrative Requirements

#### § 15.1 Purpose.

(a) The regulations in this part are issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), and Executive Order 11738, to provide certain prohibitions and requirements concerning administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, and loans. The regulations in this part apply to all agencies in the Executive Branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and to recipients of funds under grants and loans to the extent set forth in this part.

(b) The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Administrator, Federal agencies, or other parties of powers not herein specifically set forth, but otherwise granted to them by the Air Act and the Water Act or the Order.

(c) The program provides for the establishment of a List of Violating Facilities which will reflect those ineligible for the award of a Federal contract, grant, or loan. Facilities will be listed upon a determination by EPA of continuing or recurring noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. In cases where a facility has been subjected to a State or local civil adjudication or administrative finding that such facility is in noncompliance with clean air or water standards, EPA shall consider listing at the request of the Governor. The program shall apply to any contract, grant, or loan in excess of $100,000, as well as any contract of a lesser amount involving a facility giving rise to a Federal criminal conviction.

#### § 15.2 Administrative responsibility.

The Director, Office of Federal Activities, is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations, and provided that the Assistant Administrator for Enforcement and General Counsel, EPA, shall continue to exercise principal responsibility for EPA's enforcement of the Clean Air Act, the Federal Water Pollution Control Act, and clean air and water standards issued pursuant thereto. All correspondence regarding the Order or the regulations in this part should be addressed to the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

#### § 15.3 Definitions.

(a) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604).

(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Federal Government, including wholly owned government corporations which award contracts, grants, or loans.

(d) The term "applicant" means any person who has applied but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

(e) The term "air pollution control agency" means any agency which is defined in section 302(b) or section 302(c) of the Air Act.

(f) The term "borrower" means a prime recipient of a loan.

(g) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or the Order, an applicable implementation plan as described in section 110(d) of the Air Act, an approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act, or an approved implementation procedure under section 112(d) of the Air Act.

(h) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, or other requirement which is set by the Water Act or contained in a permit issued to a discharger by EPA, or by a State under an approved program, as authorized by section 402 of the Water Act, or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act.

(i) The term "compliance" means compliance with clean air or water standards. For the purpose of these regulations, "compliance" shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency, in accordance with the requirements of the Air or Water Act and regulations issued pursuant thereto.

(j) The term "contract" means any Federal contract for the procurement of goods, materials, or services.

(k) The term "contractor" means the prime contractor with whom the Federal Government has contracted for procurement of goods, materials, or services.

(l) The term "Director" means the Director, Office of Federal Activities, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this Part.

(m) The term "facility" means any building, plant, installation, structure, mine, location or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, grantee, subgrantee, borrower or subborrower to be utilized in the performance of a contract, grant, or loan. Where a location, or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Director determines that independent facilities are co-located in one geographic area.

(n) The term "Governor" means the Governor or principal executive officer of each State.

(o) The term "grant" means any Federal grant, including grant-in-aid.

(p) The term "grantee" means the prime recipient of a grant.

(q) The term "loan" means a loan of Federal funds.

(r) The term "Order" means Executive Order 11738, dated September 10, 1973 (38 FR 25161), which superseded Executive Order 11602, dated June 29, 1971 (36 FR 12475).

(s) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, or any agency, instrumentality, or subdivision of such a government or any interstate body.

(t) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(u) The term "subborrower" means any person holding a subloan.

(v) The term "subcontract" means any agreement or arrangement under which any portion of the contractor's obligation is performed, undertaken, or assumed.

(w) The term "subcontractor" means any person holding a subcontract.

(x) The term "subgrant" means any agreement or arrangement under which any portion of the activity or program which is being assisted under the grant is performed, undertaken, or assumed.

(y) The term "subgrantee" means any person holding a subgrant.

(z) The term "subloan" means any agreement or arrangement under which any portion of the business, program, or activity which is being assisted under the loan is performed, undertaken, or assumed.

(aa) The term "United States" as used herein includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

(bb) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500).

(cc) The term "water pollution control agency" means any agency which is defined in section 502(1) or section 502(2) of the Water Act.

**§ 15.4 Agency responsibilities.**

(a) *General.* Pursuant to the Order, each agency will take appropriate steps to ensure that all officers and employees whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the Order and the regulations under this Part. Such officers and employees will promptly report to the head of the agency or his designee any condition in any facility involved in a contract, grant, or loan made by an agency which may involve noncompliance with the clean air or water standards and which comes to their attention in the performance of their regular duties. The head of the agency or his designee will promptly transmit such reports to the Director. The Director shall take action as may be appropriate in accordance with §§ 15.24 and 15.20.

(b) *Procurement, grant, and loan regulations.* Section 4 of the Order provides that agencies responsible for promulgating contract, grant, and loan regulations shall, following consultation with the Administrator, amend such regulations to require, as a condition of entering into, renewing, or extending any nonexempt contract for the procurement of goods, materials, and services, or extending any financial assistance by way of nonexempt contract, grant, or loan, compliance with the Air and Water Acts and standards issued pursuant thereto. Pursuant to the authorities vested in the Administrator in section 5 of the Order, agencies responsible for promulgating contract, grant, and loan regulations shall be governed by this Part. Such regulations shall be amended to require, no later than July 1, 1974, the use of the provisions set forth below.

(c) *Procurement regulations.* The Federal Procurement Regulations, Armed Services Procurement Regulation, and to the extent necessary any supplemental or comparable regulations issued by any agency shall be amended to incorporate the following requirements with respect to nonexempt transactions to carry out the purposes of the Air and Water Acts, the Order, and this Part:

(1) A stipulation by the contractor or subcontractors that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the EPA List of Violating Facilities pursuant to § 15.20.

(2) Agreement by the contractor to comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder.

(3) A stipulation that as a condition for the award of a contract the applicant or contractor shall notify the awarding official of the receipt of any communication from the Director indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities. Prompt notification shall be required prior to contract award.

(4) Agreement by the contractor that he will include or cause to be included the criteria and requirements in paragraph (c) (1) through (4) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the Government may di-

rect as a means of enforcing such provisions.

(d) *Grant and loan provisions.* To carry out the purposes of the Air and Water Acts, the Order, and this Part, agency grant and loan regulations shall be amended as necessary to incorporate the requirements set forth in paragraph (c) (1) through (4) of this section with respect to nonexempt transactions.

**§ 15.5 Exemptions.**

(a) *Exempted transactions.* — (1) *Transactions $100,000 and under.* Contracts, subcontracts, grants, subgrants, loans, and subloans not exceeding $100,000 are exempt from this Part.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this Part shall be applicable unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Assistance to abate, control, or prevent environmental pollution.* Any grant, subgrant, loan, or subloan, a principal purpose of which is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution is exempt from this part.

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i) and § 15.20(a)(1)(iv). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

(b) *Authority of heads of agencies.* Where a head of an agency determines that the paramount interest of the United States so requires, he may exempt any individual contract, subcontract, grant, subgrant, loan, or subloan for a period of one year, and by rule or regulation any class of contracts, grants, or loans. In the case of an individual exemption, the head of the agency granting the exemption shall notify the Director as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof, shall fully describe the purpose of the contract, grant, or loan, except as the interests of national security preclude, and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(c) *Facilities located outside the United States.* This Part shall not apply to the use of facilities located outside the United States.

## Subpart B—Remedies

**§ 15.20 List of violating facilities.**

(a) Listing of facilities: Sections 2, 4, and 5 of the Order, section 306 of the Air Act, and section 508 of the Water Act require the Administrator to establish procedures which will identify for Federal agencies those facilities giving rise to a criminal conviction under the Air and Water Acts and which will establish sanctions and penalties necessary to assure that contracts, grants, and loans are not awarded to applicants whose facilities are found to be in noncompliance with clean air and water standards. The Director shall maintain the List of Violating Facilities in accordance with the following procedures:

(1) *Basis for consideration of listing.* Federal, State, or local criminal convictions, civil adjudications, or administrative findings of noncompliance may serve as the basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative finding shall not be considered unless the Governor of the State has referred the applicant, contractor, grantee, or borrower whose facility has given rise to such adjudication or finding to the Director in accordance with § 15.23. The following Federal, State, and local determinations may serve as bases for listing:

(i) Facilities which have given rise to a conviction under section 113(c)(1) of the Air Act.

(ii) Facilities which have given rise to any permanent order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean air standards or facilities which have given rise to a conviction in a State or local court for noncompliance with clean air standards.

(iii) Facilities not in compliance with an order under section 113(a) of the Air Act or which have given rise to the initiation of court action under section 113(b) of the Air Actor have been subjected to equivalent State or local proceedings to enforce clean air standards.

(iv) Facilities which have given rise to a conviction under section 309(c) of the Water Act.

(v) Facilities which have given rise to any permanent order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean water standards or facilities of which have given rise to a conviction in a State or local court for noncompliance with clean water standards.

(vi) Facilities not in compliance with an order under section 309(a) of the Water Act or which have given rise to the initiation of court action under section 309(b) of the Water Act, or have been subjected to equivalent State or local proceedings to enforce clean water standards.

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner and where appropriate the operator by the Director of his intent to place the facility on the List and the basis therefor, the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List, and the Director determines before listing that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

(3) *The List.* Upon carrying out the aforesaid requirements, the Director may list a facility. The List shall be distributed periodically to all agencies and published in the FEDERAL REGISTER. The List shall contain as a minimum the name of each person whose noncomplying facility has given rise to the listing, the name of such facility, the basis for the listing, and the date for each listing.

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on paragraph (a)(1)(i) or (iv) of this section effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on paragraph (a)(1)(ii), (iii), (v), or (vi) of this section effective July 1, 1974.

(b) Debarment or suspension of designated facilities: Facilities listed by the Director resulting from the bases described in paragraph (a)(1)(i) and (iv) of this section, shall be debarred and no agency shall enter into, renew, or extend any contract, grant, or loan where such debarred facility would be utilized for the contract, grant, or loan. Facilities listed by the Director resulting from any other basis shall be suspended and no agency shall enter into, renew, or extend any contract, grant, or loan where such suspended facility would be utilized for the contract, grant, or loan.

(c) Removal of facility from List: If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis or if the Director determines the facility is in compliance, the facility shall be removed promptly from such listing effective upon receipt of notification of the reversal or modification by the Director. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. For facilities whose listing constitutes a debarment under paragraph (b) of this section, such request shall be in writing and should contain appropriate evidence that the condition which gave rise to the basis for listing has been corrected. For facilities whose listing constitutes a suspension under paragraph (b) of this section, such request shall be in writing and should contain appropriate evidence of compliance by the facility with clean air or water standards. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within twenty (20) days of receipt of a notice of denial.

§ 15.21 Hearings.

(a) Hearings held pursuant to § 15.20 (c) shall be conducted by a hearing officer designated by the Administrator. Each party shall have the right of counsel and a fair opportunity to present evidence and argument and to cross-examine. Other persons may be permitted to participate upon a showing that such persons have substantial interest in the proceedings and will contribute materially to the proper disposition thereof. The hearing officer shall base his decision solely upon the record before him.

(b) The decision of the hearing officer shall be final unless within twenty (20) days from the date of receipt of the decision the party adversely affected requests in writing a review by the Administrator.

§ 15.22 Public participation.

(a) Persons who wish to bring an alleged failure of compliance with clean air or water standards under this Part to the attention of the Government should file a statement in writing with the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(b) The statement should include the name, address, and telephone number of the person responsible for its filing, the name and address or other accurate description of the facility allegedly in noncompliance, a description of the noncompliance, with any available accompanying data considered to show that the noncompliance has occurred, and any other pertinent information which will assist in the investigation and resolution of the reported noncompliance. The statement must be signed by the person responsible for the filing or his authorized representative.

(c) The Director shall review the statement and within a reasonable period advise the person of the disposition of his statement.

(d) No action under this section shall satisfy the service of notice of intent to file suit requirement pursuant to section 304 of the Air Act or section 505 of the Water Act.

§ 15.23 Agency participation.

(a) *Federal agency participation.* Pursuant to § 15.4 (c) and (d), applicants must indicate whether a facility to be utilized in the performance of any nonexempt contract, grant, or loan has been identified by the Director as under consideration for listing. Federal contracting officers or awarding officials must determine whether any facility to be utilized in the performance of a nonexempt contract, grant, or loan appears on the List distributed by the Director under § 15.20. If such facility has been identified by the Director but the facility does not appear on the List, the contracting officer or awarding official shall promptly notify the Director. In accordance with § 15.24, the Director may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days pending completion of an appropriate investigation.

(b) *State participation.* If a Governor determines that a facility is in continuing or recurring noncompliance with clean air or water standards, the Governor may notify the Director. The Director shall take the necessary steps, under § 15.20 of this Part, to determine whether listing shall occur.

§ 15.24 Investigation.

(a) When substantial evidence of noncompliance with clean air or water standards is presented by private individuals, agency employees, a Governor, or other sources, or when pursuant to § 15.23, Federal contracting officers or awarding official notify the Director that a facility contemplated to be utilized in the performance of a contract, grant, or loan has been identified as under consideration for listing, the Director after consultation with the agency whose proposed contract, grant, or loan is involved, may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days effective the date the Director, as well as the interested Federal agency, is notified of the existence of such information and the initiation of the investigation. The agency shall withhold such award except when it is determined that the delay is likely to prejudice the agency's programs or otherwise seriously disadvantage the Government. Prompt notice shall be given to the Director in any case where such determination to award has been made.

(b) The Director shall promptly inform the agency whose contract, grant, or loan is involved of the findings, dispositions, or actions resulting from the investigation. Where the information causing the investigation was presented by a private individual or Governor, that individual or Governor shall also be promptly notified.

§ 15.25 Referral to the Justice Department.

The Administrator may recommend that appropriate legal proceedings or other action be taken in reference to the requirements set forth in the regulations contained in this Part. Referrals of any matters arising under such regulations to the Department of Justice shall be made only by the Administrator or with his express approval.

Subpart C—Ancillary Matters

§ 15.40 Interpretations.

Interpretations of the regulations contained in this Part shall be made by the Administrator or his designee.

§ 15.41 Reports.

(a) *Agency reports.* The head of each agency shall ensure that the Administrator is informed of each exemption granted under § 15.5(b) during the preceding fiscal year annually before August 1.

(b) *EPA reports.* (1) The Administrator will annually report to the President on measures taken toward implementation of section 306 of the Air Act, section 508 of the Water Act, the Order, and regulations in this Part, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator will annually notify the President and the Congress of all exemptions granted or in effect under this Part during the preceding year.

§ 15.42 Delegation of authority by the Director.

The Director is authorized to redelegate the authority conferred upon him by this part.

[FR Doc.74-6843 Filed 3-22-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

### COLORADO

### Proposed Revisions to Transportation Control Plan

On November 7, 1973 (38 FR 30818), the Administrator approved portions of the Colorado Transportation Control Plan and promulgated other portions. One of the portions promulgated consisted of regulations for the control of stationary hydrocarbon sources.

This notice is issued to advise the public that the State of Colorado adopted stationary hydrocarbon regulations, Colorado Regulation 7, and submitted these regulations to the Environmental Protection Agency as plan revisions on November 21, 1973. The revisions include regulations similar to the EPA promulgated regulations but do not require vapor recovery for gasoline marketing operations.

EPA regulation (38 FR 30818) § 52.331, *Control of drycleaning solvent evaporation*, is similar to Colorado Regulation 7.J; § 52.332, *Degreasing Operations* is similar to Regulation 7.K; § 52.333 *Organic solvent usage* is similar to Regulation 7.G, 7.H, and 7.I; and § 52.334, *Storage of petroleum products* is similar to Regulation 7.B.

Colorado Regulation 7 does not require vapor recovery for filling service station tanks or for filling of vehicular tanks as is required by 38 FR 30818, §§ 52.336 and 52.337. Regulation 7.C does not require an equivalent degree of control to EPA § 52.335 *Organic liquid loading* (Regulation 7.C would allow as much as 1.5 pounds of hydrocarbon vapors to be emitted per thousand gallons loaded, § 52.335 requires 90 percent control or about 0.5 pounds per thousand gallons if submerged fill is used). In addition, § 52.336 requires that the vapor-laden delivery vessel may only be refilled at facilities equipped with vapor recovery systems or their equivalent capable of 90 percent control. Regulation 7.C is not consistent with this requirement.

Colorado Regulation 7 contains the following provisions which are covered by EPA regulations §§ 52.334 through 52.337: 7.D, "Water Separation from Petroleum Products"; 7.E, "Pumps and Compressors". Colorado Regulation 7.F, "Waste Gas Disposal" is not covered by EPA regulations and would affect poly-

mer processes. Control plans must be submitted by March 1, 1974, and final compliance must be achieved by December 31, 1974, for all sources subject to Colorado Regulation 7.

Colorado Regulation 7 does not require control consistent with EPA regulations §§ 52.335, 52.336, and 52.337. The sources covered by these three EPA regulations (gasoline marketing) account for almost half of the stationary source hydrocarbon emissions. Thus, §§ 52.335, 52.336, and 52.337 will probably not be withdrawn, unless subsequent changes are made to the State Regulation 7.

If after reviewing the regulations and any public comments, the Administrator finds they are approvable in whole or in part, any duplicated stationary hydrocarbon emission control regulations promulgated in 38 FR 30818 will be withdrawn. The additional stationary hydrocarbon regulations adopted by the State of Colorado, if approved by the Environmental Protection Agency, will also become a part of the Transportation Control Plan.

The public is invited to submit written comments on whether the proposed revisions should be approved or disapproved by the Administrator. His action will be based on whether the proposed revisions meet the requirements of section 110(a)(2)(a)–(H) of the Clean Air Act and 40 CFR Part 51. Only comments received on or before April 24, 1974, will be considered.

Copies of the proposed revisions are available for inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, Lincoln Towers Building, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203; at the Environmental Protection Agency, Room 329, 401 M Street, SW., Washington, D.C. 20460; and at the Colorado State Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220.

Comments should be addressed to the Regional Administrator, Environmental Protection Agency, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a))

Dated: March 19, 1974.

JOHN QUARLES,
*Acting Administrator,*
*Environmental Protection Agency.*

[FR Doc.74-6845 Filed 3-22-74;8:45 am]

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[40 CFR Part 85]

## CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

### Recall Regulations

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Subpart S to 40 CFR Part 85, as set forth below.

*Explanatory statement.* Section 207(c)(1) of the Clean Air Act provides that "if the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202, when in actual use throughout their useful life * * * he shall require the manufacturer to submit a plan for remedying the nonconformity * * *." The manufacturer may request a public hearing to contest the Administrator's determination of nonconformity. Unless, as a result of such hearing, the determination is withdrawn, the manufacturer must give dealers, ultimate purchasers, and subsequent purchasers notice of the noncomformity. Section 207(c)(2) authorizes the Administrator to promulgate regulations to prescribe the content of the notification and the manner in which it is given. Section 208(a) authorizes the Administrator to require the manufacturer to establish and maintain such records and to make such reports as are necessary to ensure that the manufacturer is in compliance with title II, part A of the Act and applicable regulations thereunder.

Without an adequate regulatory scheme, the effectiveness of any recall will be diminished by the delays which accompany ad hoc decision and policy making. These delays are contrary to the interest of the public, the environment, and the Agency and should be avoided. To this end, it is proposed that the statutory requirements of the Clean Air Act be implemented by promulgating the regulations to follow. These regulations are contained in six major sections:

1. Section 85.1802 describes the notification to be sent by the Administrator to a manufacturer of vehicles or engines against whom a determination of nonconformity has been lodged. The notification will include a description of each class or category of vehicles or engines subject to the determination of nonconformity as well as the factual basis for the determination. Finally the manufacturer will be given a date by which he is to submit a plan to remedy the nonconformity.

2. Section 85.1803 describes the Remedial Plan. The regulations require the manufacturer, upon notification by the Administrator that a nonconformity exists, to submit descriptions of the proposed repairs, alterations, or modifications he intends to use to correct the nonconformity, the method by which owners of the nonconforming vehicles or engines will be identified, and the procedure which owners must follow to have their vehicles remedied. The proposed regulations further require the manufacturer to describe any conditions upon which eligibility for repair is premised.

The proposed regulations also address the obligations of a manufacturer subject to a recall in regard to the notification of purchasers. Notification to ultimate and subsequent purchasers is required to be in writing. A copy of the notification must be included in the plan. To increase the efficiency of the notification process, a manufacturer must use all reasonable means necessary to locate ultimate and subsequent purchasers.

Under the proposed regulations, each vehicle brought to a repair facility in response to notification would have a decal affixed to one of the non-movable inside glass surfaces. In addition, vehicle owners would receive recall campaign certificates. Some owners of recalled vehicles may not be eligible for free remedial repair (e.g., the vehicle was not properly maintained and used) but the decal and certificate would still be issued if the vehicle were brought to the appropriate repair facility.

The decal and certificate programs are directly related to the purposes of recall. If maximum benefit is to be derived from a recall, the number of vehicles brought to repair facilities must be maximized. By imposing sanctions for failure to obtain the recall decal and certificate, States can encourage those owners who qualify for free repair under the remedial plan to obtain repair and can encourage vehicle owners not eligible for free remedial repair to visit repair facilities and possibly obtain repair at their own expense.

An alternative approach would be to condition the receipt of the decal and certificate upon actual repair of the vehicle. The decal-certificate programs are designed, however, to complement state programs. To impose such a condition, it was felt, could deter some States from utilizing the programs. The present provisions, therefore, only require an owner to bring his vehicle to a repair facility to qualify for a campaign certificate and decal.

Since the effectiveness of the decal and certificate provisions depends upon state action, the various states are particularly encouraged to comment upon these provisions of the proposed regulations.

3. Section 85.1804 provides for the approval of the remedial plan by the Administrator and for the implementation of the plan by the manufacturer. Under the proposed provisions, the manufacturer will receive written notice that the remedial plan has been approved. Upon receipt of this notice the manufacturer is to commence implementation of the plan.

One aspect of implementation is the notification of ultimate and subsequent purchasers. The proposed regulations provide that when no public hearing is requested to challenge the determination of nonconformity, consumer notification is to commence within 15 days of the receipt of the Administrators approval of the remedial plan. If a hearing is held, unless the Administrator withdraws his determination of nonconformity, the Administrator will, within 60 days of the completion of the hearing, order the manufacturer to commence prompt notification of vehicle and engine owners.

4. Section 85.1805 describes the content of the notification to be sent to ultimate purchasers and subsequent purchasers. The section requires the manufacturer to explain to the vehicle or engine owner most of what is contained in the remedial plan. Besides describing the procedural aspects of obtaining correc-

tion of the nonconformity, the notification will inform the vehicle or engine owner of the adverse effects, if any, that an uncorrected nonconformity may have on performance, durability, and the functioning of other engine components. In addition, owners will be warned that failure to correct the nonconformity may cause vehicles to fail an emission inspection, if required by State or local law, and may jeopardize the warranty made applicable to engines and vehicles by section 207 of the Act. These warnings are designed to improve the response to the recall campaign by encouraging vehicle and engine owners to seek correction of the nonconformity as well as to give vehicle and engine owners important information concerning the mechanical condition of their vehicles or engines and the legal impact of the failure to obtain correction of the nonconformity.

5. Section 85.1806 describes the records which a manufacturer must keep and the reports he must make of the recall campaign. From this data, the Administrator will be able to evaluate the success of the recall campaign and determine whether a second notification will be required.

6. Section 85.1807 describes the procedures which will be followed in the event that the manufacturer requests a public hearing to contest the Administrator's finding of nonconformity. The hearing is designed to conform with the requirements of the Administrative Procedure Act, 5 U.S.C. 551–9, and 701–6, as amended. Section 207(c)(1) of the Clean Air Act requires the Administrator to provide "the manufacturer and other persons an opportunity to present their views and evidence in support thereof at a public hearing." Although the precise meaning of this provision is not entirely clear, a strong argument can be made that a formal hearing is required by it, and the proposed regulations would provide for a formal hearing. Under the proposed regulations, party status would be afforded the contesting manufacturer, the Agency, and intervenors. Any member of the public may petition to intervene. If the presiding officer determines that certain criteria are met, the petition will be granted. The criteria are designed to test the petitioner's interest in the proceeding. In this manner, effective public participation can be provided without sacrificing the concomitant public interest in an expedited hearing.

This rule is proposed under the authority of section 301(a) of the Clean Air Act, 81 Stat. 504, as amended by section 15(c), 84 Stat. 1713, 42 U.S.C. 1857g(a). The proposed regulations implement section 207(c)(1)–(2) of the Clean Air Act, 84 Stat. 1697, 42 U.S.C. 1847f–5a(c)(1)–(2); and section 208(a) of the Clean Air Act, 81 Stat. 501, as renumbered by section 8(a), 84 Stat. 1694, 42 U.S.C. 1857f–6(a).

Interested persons may participate in this rulemaking proceeding by submitting written comments in triplicate to:

Director
Mobile Source Enforcement Division
401 M Street SW., Room 3220
Washington, D.C. 20460

All comments received on or before May 24, 1974, will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 232, Waterside Mall, Fourth and M Streets, SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration.

Dated: March 19, 1974.

JOHN QUARLES,
*Acting Administrator.*

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## PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

### Subpart S—Recall Regulations

Sec.
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AUTHORITY: 81 Stat. 504, as amended, 84 Stat. 1713; 45 U.S.C. 1859g(a); 42 U.S.C. 1857.

### § 85.1801 Definitions.

For the purposes of this subpart, the term "Act" shall mean the Clean Air Act, 42 U.S.C. 1857, as amended. Except as otherwise provided, words shall be defined as provided for by sections 213 and 302 of the Act.

### § 85.1802 Notice to manufacturer of nonconformity.

A manufacturer will be notified that the Administrator has determined that a substantial number of a class or category of vehicles or engines produced by that manufacturer, although properly maintained and used, do not conform to the regulations prescribed under section 202 of the Act. The notification will include a description of each class or category of vehicles or engines encompassed by the determination of nonconformity, will give the factual basis for the determination of nonconformity, and will designate a date, no sooner than 30 days from the date of receipt of such notification, by which the manufacturer shall have submitted a plan to remedy the nonconformity.

### § 85.1803 Remedial plan.

(a) When any manufacturer is notified by the Administrator that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations (including emission standards) promulgated under section 202 of the Act, the manufacturer shall submit a plan to the Administartor to remedy such nonconformity. The plan shall contain the following:

(1) A description of each class or category of vehicle or engine to be recalled including the model year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity including a brief summary of the data and technical studies which support the manufacturer's decision as to the particular remedial changes to be used in correcting the nonconformity.

(3) A description of the method by which the manufacturer will determine the names and addresses of purchasers and subsequent purchasers.

(4) A description of the proper maintenance and use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan, an explanation of the manufacturer's reasons for imposing any such condition, and a description of the proof to be required of a purchaser or subsequent purchaser to demonstrate compliance with any such condition. No such condition may be imposed unless the maintenance concerned is, in the judgment of the Administrator, demonstrably related to preventing the nonconformity.

(5) A description of the procedure to be followed by purchasers and subsequent purchasers (if known) to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied: *Provided*, That repair shall be completed within 60 days from the date the owner first tenders the vehicle or engine unless the Administrator extends such period for good cause.

(6) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers of the manufacturer, a description of the class of persons other than dealers of the manufacturer who will remedy the nonconformity and a statement indicating (i) which members of the class are to perform the repair under the remedial plan; (ii) that each member has agreed to perform the necessary repair; and (iii) that each member will be properly equipped to perform such remedial action.

(7) Copies of the letters of notification to be sent to ultimate purchasers and subsequent purchasers (if known).

(8) A statement that an adequate supply of parts will be available to perform the repair under the remedial plan.

(9) Copies of all necessary instructions to be sent to those persons who are to perform the repair under the remedial plan.

(10) A description of the impact of the proposed changes on fuel consumption, driveability, and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data or technical studies which support these conclusions.

(11) Any other information, reports or data which the Administrator may de-

termine is necessary to evaluate the remedial plan.

(b) (1) Notification to ultimate purchasers and subsequent purchasers (if known) shall be in writing, shall be made by certified mail or such other means as approved by the Administrator, and shall conform to § 85.1805.

(2) The manufacturer shall use all reasonable means necessary to locate ultimate and subsequent purchasers: *Provided*, That the Administrator may require the manufacturer to use motor vehicle registration lists as available from State or commercial sources to obtain the name and addresses of purchasers and subsequent purchasers to ensure an effective notification.

(c) (1) Where allowed by State law, the manufacturer shall require those who perform the repair under the remedial plan to affix a decal to each vehicle submitted for such repair.

(2) The decal shall be placed in a conspicuous location on one of the non-movable, inside glass surfaces of the vehicle as allowed by applicable State law.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility to which the the vehicle was submitted for repair.

(d) (1) The manufacturer shall require those who perform the repair under the remedial plan to issue a recall campaign certificate to each vehicle owner whose vehicle is submitted for repair under the remedial plan.

(2) The certificate shall:

(i) State that the vehicle was submitted for repair;

(ii) Contain the recall campaign number as designated by the manufacturer;

(iii) Designate the facility to which the vehicle was submitted for repair; and

(iv) Contain the vehicle identification number.

(e) The remedial plan shall be submitted to the Administrator within the time limit specified in the Administrator's notification: *Provided*, That the Administrator may grant the manufacturer an extension upon good cause shown.

(f) The Administrator may require the manufacturer to conduct tests on engines or vehicles incorporating a proposed change, repair, or modification by methods and under conditions as the Administrator may prescribe.

(g) The Administrator reserves the right to require the manufacturer to (i) send by appropriate and reasonable means a second notification in order to increase the effectiveness of the recall campaign and (ii) to require records to be maintained to evaluate both the first notification, and any subsequent notification.

### § 85.1804 Approval of plan; implementation.

(a) If the remedial plan is approved by the Administrator, he will so notify the manufacturer in writing. If the remedial plan is not approved by the Administrator, he will so notify the manufacturer and will give the reasons for the disapproval.

(b) Upon receipt of notice from the Administrator that the remedial plan has been approved, the manufacturer shall commence implementation of the approved plan. Notification of ultimate purchasers and subsequent purchasers shall be in accordance with the requirements of this subpart and shall proceed as follows:

(1) When no public hearing as described in section 85.1807 of this subpart is requested by the manufacturer, notification of ultimate purchasers and subsequent purchasers shall commence within 15 days of the receipt by the manufacturer of the Administrator's approval unless otherwise specified by the Administrator.

(2) When a public hearing as described in § 85.1807 is held, unless as a result of such hearing the Administrator withdraws the determination of nonconformity, the Administrator shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity.

### § 85.1805 Notification to ultimate purchasers and subsequent purchasers.

(a) The notification of ultimate purchasers and subsequent purchasers shall contain the following:

(1) The statement: "This notice is sent in accordance with the Federal Clean Air Act."

(2) The statement: "The Administrator of the U.S. Environmental Protection Agency has determined that your (model year, make, model of a vehicle, or family identification, engine model number, and engine number of an engine) may be emitting pollutants in excess of the Federal emission standards. These standards were established to protect the public health or welfare from the dangers of air pollution."

(3) A statement that the nonconformity of any such vehicles or engines which have been, if required by the remedial plan, properly maintained and used, will be remedied at the expense of the manufacturer.

(4) A description of the proper maintenance and use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan and a description of the proof to be required of a purchaser or subsequent purchaser to demonstrate compliance with such condition.

(5) A clear description of the components which will be affected by the remedy and a general statement of the measures to be taken to correct the nonconformity.

(6) A statement that such nonconformity if not repaired may cause the vehicle or engine to fail an emission inspection test when such tests are required under State or local law.

(7) A description of the adverse affects, if any, that an uncorrected nonconformity would have on the performance or driveability of the vehicle or engine.

(8) A description of the adverse effects, if any, that such nonconformity would have on the functioning of other engine components.

(9) A description of the procedure which the vehicle owner should follow to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

(10) The statement: "It is recommended that you bring the (vehicle or engine) in for repair as soon as possible since failure to do so may jeopardize your protection under the warranty made applicable to your (vehicle or engine) by the Clean Air Act."

(11) A card to be used by an ultimate purchaser or subsequent purchaser in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer and shall provide a space in which the ultimate or subsequent purchaser may indicate the name and address of the person to whom the car was sold.

(b) No notice sent pursuant to paragraph (a) of this section nor any other contemporaneous communication sent to ultimate purchasers, subsequent purchasers, or dealers shall contain any statement or implication that the nonconformity does not exist or that the nonconformity will not degrade air quality.

(c) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Administrator has determined are necessary to fulfill the intent of the law.

### § 85.1806 Records and reports.

(a) The manufacturer shall provide to the Administrator a copy of all communications which relate to the remedial plan directed to dealers and other persons who are to perform the repair under the remedial plan. Such copies shall be mailed to the Administrator contemporaneously with their transmission to dealers and other persons who are to perform the repair under the remedial plan.

(b) The manufacturer shall provide for the establishment and maintenance of records to enable the Administrator to conduct a continuing analysis of the adequacy of the recall campaign. The records shall include for each class or category of vehicle or engine, but shall not be limited to, the following:

(1) The dates on which the notification of the ultimate and know subsequent purchasers was commenced and completed.

(2) The number of engines and vehicles subject to the recall campaign.

(3) The number of (i) ultimate purchasers and (ii) subsequent purchasers to whom notification was sent.

(4) The number of vehicles that were brought to repair facilities in response to notification.

(5) When inspection or diagnosis is required by the remedial plan prior to any repair:

(i) The number receiving inspection or diagnosis;

(ii) The number shown by inspection or diagnosis to require repair;

(6) The number repaired under the remedial plan.

(7) The names and addresses of ultimate purchasers and subsequent purchasers to whom notification was given.

(8) The names and addresses of those purchasers whose vehicles or engines received repair under the remedial plan.

(9) The names and addresses of the ultimate and subsequent purchasers whose vehicles or engines were brought to repair facilities but not repaired or, when required, inspected or diagnosed, under the remedial plan and the reasons for the failure to do so.

(c) Unless otherwise directed by the Administrator, the manufacturer shall submit a quarterly report to the Administrator for six consecutive quarters beginning with the quarter in which notification of purchasers is begun containing the records described in paragraph (b) of this section except paragraph b(7), (8), and (9). Such report shall be received no later than 25 working days after the close of each calendar quarter.

(d) The records described in paragraphs b (7), (8), and (9) of this section shall be made available to the Administrator upon his request.

(e) The records and reports required by this section shall be retained for not less than 5 years.

**§ 85.1807 Public hearings.**

(a) *Definitions.* The following definitions shall be applicable to this section:

(1) "Hearing Clerk" shall mean the Hearing Clerk of the Environmental Protection Agency.

(2) "Intervenor" shall mean a person who files a petition to be made an intersection and whose petition is approved.

(3) "Manufacturer" refers to a manufacturer contesting a recall order directed at that manufacturer.

(4) "Party" shall include the Agency, the manufacturer, and any intervenors.

(5) "Presiding Officer" shall mean an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR 930 as amended), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in the United States Code.

(b) *Request for public hearing.* (1) If the manufacturer disagrees with the Administrator's finding of nonconformity he may request a public hearing as described in this section. Requests for such a hearing shall be filed with the Administrator not later than 30 days after the Administrator's notification of nonconformity unless otherwise specified by the Administrator. A copy of such request shall simultaneously be filed with the Director of the Mobile Source Enforcement Division and with the Hearing Clerk. Failure of the manufacturer to request a hearing within the time provided shall constitute a waiver of his right to such a hearing. In such case, the manufacturer shall carry out the recall order as required by § 85.1803–6.

(2) The request for a public hearing shall contain:

(i) A statement as to which classes or categories of vehicles or engines are to be the subject of the hearing;

(ii) A concise statement of the issues to be raised by the manufacturer at the hearing for each class or category of engine or vehicle for which the manufacturer has requested the hearing; and

(iii) A summary of the evidence which supports the manufacturer's position on each of the issues so raised.

(3) A copy of all requests for public hearings will be kept on file in the Office of the Hearing Clerk and will be made available to the public during Agency business hours.

(c) *Time; filing of documents.* (1) In computing any period of time prescribed or allowed by this section, except as otherwise provided, the day of the Act or event from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and holidays shall be included in computing any such period allowed for the filing of any document or paper, except that when such period expires on a Saturday, Sunday, or federal legal holiday, such period shall be extended to include the next following business day.

(2) Except as otherwise provided, all documents required or permitted to be filed should be filed with the Hearing Clerk. If filing is to be accomplished by mailing, the documents should be sent to the address set forth in the notice of public hearings as described in paragraph (e) of this section. Documents shall be dated and deemed filed upon receipt.

(3) A copy of all documents required or permitted to be filed, other than a request for a public hearing and requests to be made an intervenor, shall be served upon all parties.

(d) *Consolidation.* The Administrator or the Presiding Officers in his or their discretion may consolidate two or more proceedings to be held under this section for the purpose of resolving one or more issues whenever it appears that such consolidation will expedite or simplify consideration of such issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(e) *Notice of public hearings.* (1) Notice of a public hearing under section 207(c)(1) of the Act shall be given by publication in the FEDERAL REGISTER. Notice will be given at least 30 days prior to the commencement of such hearings.

(2) The notice of a public hearing shall include the following information:

(i) The purpose of the hearing and the legal authority under which the hearing is to be held;

(ii) A brief summary of the Administrator's determination of nonconformity;

(iii) A brief summary of the manufacturer's factual and legal basis for contesting the Administrator's determination of nonconformity;

(iv) Information regarding the time and location of the hearing and the address to which all documents required or permitted to be filed should be sent;

(v) The address of the Hearing Clerk to whom all inquiries should be directed;

(vi) A statement that all petitions to be made an intervenor must be filed with the Hearing Clerk within 30 days and must conform to the requirements of paragraph (f) of this section.

(f) *Intervenors.* (1) Any person desiring to intervene in a hearing to be held under section 207(c)(1) of the Act shall file a petition setting forth the facts and reasons why he thinks he should be permitted to intervene.

(2) In passing upon a petition to intervene, the following factors, among other things, shall be considered by the Presiding Officer:

(i) The nature of the petitioner's interest including the nature and the extent of the property, financial, environmental protection, or other interest of the petitioner;

(ii) The effect of the order which may be entered in the proceeding on petitioner's interest;

(iii) The extent to which the petitioner's interest will be represented by existing parties;

(iv) The extent to which petitioner's participation may reasonably be expected to assist in the development of a complete record.

(3) A petition to intervene must be filed within 30 days following the notice of public hearing under section 207(c)(1) of the Act.

(4) All petitions to be made an intervenor shall be reviewed by the Presiding Officer using the criteria set forth in paragraph (f)(2) of this section. If the Presiding Officer grants the petition he shall so notify, or direct the Hearing Clerk to notify, the petitioner. If the Presiding Officer denies the petition he shall so notify, or direct the Hearing Clerk to notify, the petitioner and shall briefly state the reasons why the petition was denied.

(5) All petitions to be made an intevenor shall include an agreement by the petitioner, and any person represented by the petitioner, to be subject to examination and cross-examination and, in the case of a public interest group, corporation or association, to make any supporting and relevant records available at its own expense upon the request of the Presiding Officer, on his own motion or the motion of any party or other intervenor. If the intervenor fails to comply with any such request, the Presiding Officer may in his discretion, terminate his status as an intervenor.

(g) *Intervention by motion.* Following the expiration of the time prescribed in paragraph (f) of this section for the submission of petitions to intervene in a hearing, any person may file a motion with the Presiding Officer to intervene in a hearing. Such a motion must contain the information required by para-

graph (f) (2) of this section, and, in addition, must show that there is good cause for granting the motion and must contain a statement that the intervenor shall be bound by agreements, arrangements, and other determinations which may have been made in the proceeding.

(h) *Amicus curiae.* (1) Persons not parties to the proceedings wishing to file briefs may do so by leave of the Presiding Officer granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable.

(i) *Presiding Officer.* The Presiding Officer shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of the proceedings and to maintain order. He shall have all power consistent with the Agency rule and with the Administrative Procedure Act necessary to this end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive relevant evidence;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in such proceedings;

(6) To require the submission of testimony in written form with or without affidavit whenever, in the opinion of the Presiding Officer, oral testimony and cross-examination are not necessary for full and true disclosure of the facts. Testimony concerning the conduct and results of tests and inspections may be submitted in written form.

(7) To enforce agreements and orders requiring access as authorized by law;

(8) To require the filing of briefs on any matter on which he is required to rule;

(9) To require any party or any witness, during the course of the hearing, to state his position on any issue;

(10) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(11) To make decisions or recommend decisions to resolve the disputed issues on the record of the hearing.

(j) *Conferences.* (1) At the discretion of the Presiding Officer, conferences may be held prior to or during any hearing. The Presiding Officer shall direct the Hearing Clerk to notify all parties and intervenors of the time and location of any such conference. At the discretion of the Presiding Officer, persons other than parties may attend. At a prehearing conference the Presiding Officer may:

(i) Obtain stipulations and admissions, receive requests and order depositions to be taken, identify disputed issues of fact and law, and require or allow the submission of written testimony from any witness or party;

(ii) Set a hearing schedule for as many of the following as are deemed necessary by the Presiding Officer:

(A) Oral and written statements;

(B) Submission of written direct testimony as required or authorized by the Presiding Officer;

(C) Oral direct and cross-examination of a witness where necessary as prescribed in paragraph (m);

(D) Oral argument, if appropriate.

(iii) Identify matters of which official notice may be taken;

(iv) Consider limitation of the number of expert and other witnesses;

(v) Consider the procedure to be followed at the hearing; and

(vi) Consider any other matter that may expedite the hearing or aid in the disposition of the issue.

(2) The results of any conference including all stiplations shall, if not transcribed, be summarized in writing by the Presiding Officer and made part of the record.

(k) *Primary discovery (exchange of witness lists and documents).* At a prehearing conference or within some reasonable time set by the Presiding Officer prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and summaries of expected testimony amended upon motion by a party.

(l) *Other discovery.* (1) Except as so provided by paragraph (k) of this section further discovery, under this paragraph, shall be permitted only upon determination by the Presiding Officer:

(i) That such discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not otherwise obtainable; and

(iii) That such information has significant probative value.

The Presiding Officer shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Presiding Officer or upon agreement of the parties.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that:

(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring discovery shall make a motion or motions therefor. Such a motion shall set forth:

(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken.

If the Presiding Officer determines the motion should be granted, he shall issue an order for the taking of such discovery together with the conditions and terms thereof.

(m) *Evidence.* (1) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable. Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) The Presiding Officer shall allow the parties to examine and to cross-examine a witness to the extent that such examination and cross-examination is necessary for a full and true disclosure of the facts.

(3) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of examination and cross-examination and other procedural matters, shall be final, and shall appear in the record.

(4) An interlocutory appeal may be taken to the Administrator with the consent of the Presiding Officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party to the hearing may file a brief with the Administrator within such period as the Presiding Officer directs. No oral argument will be heard unless the Administrator directs otherwise.

(5) Except under extraordinary circumstances as determined by the Presiding Officer, the taking of an interlocutory appeal will not stay the hearing.

(6) Parties shall automatically be presumed to have taken exception to an adverse ruling.

(n) *Record.* (1) Hearings shall be stenographically reported and transcribed, and the original transcript shall be part of the record and the sole official transcript. Copies of the record shall be filed with the Hearing Clerk and made available during Agency business hours for public inspection. Any person desiring a copy of the record of the hearing or any part thereof shall be entitled to the same upon payment of the cost thereof.

(2) The official transcripts and exhibits together with all papers and requests filed in the proceeding, shall constitute the record.

(o) *Proposed findings, conclusions.* (1) Within 20 days of the close of the reception of evidence, or within such longer time as may be fixed by the Presiding Officer, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and a proposed rule or order, to-

gether with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on.

(2) The record shall show the Presiding Officer's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

(p) *Decision of the Presiding Officer.* (1) The Presiding Officer shall issue and file with the Hearing Clerk his decision within 30 days after the period for filing proposed findings as provided for in paragraph (o) of this section has expired.

(2) The Presiding Officer's decision shall become the decision of the Administrator thirty (30) days after issuance thereof or thirty (30) days after the filing of notice of appeal, whichever shall be later, unless in the interim a party filing such a notice shall have perfected an appeal by filing an appeal brief, or the Administrator shall have taken action to review or stay the effective date of the decision.

(3) The Presiding Officer's decision shall include a statement of findings (with specific page references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record, and an appropriate rule or order. Such decision shall be based upon a consideration of the whole record.

(4) At any time prior to the issuance of his decision, the Presiding Officer may reopen the proceeding for the reception of further evidence. Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the issuance of his decision.

(q) *Appeal from the decision of the Presiding Officer.* (1) Any party to a proceeding may appeal the Presiding Officer's decision to the Administrator: *Provided,* That within ten (10) days after issuance of the Presiding Officer's decision such party files a notice of intention to appeal and an appeal brief within 20 days of such decision.

(2) When an appeal is taken from the decision of the Presiding Officer, any party may file a brief in support of such decision. The brief shall be filed within 30 days of the issuance of the decision of the Presiding Officer.

(3) Any brief filed pursuant to this paragraph shall contain, in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged) textbooks, statutes, and other material cited, with page references thereto;

(ii) A specification of the issues intended to be urged;

(iii) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each issue, with specific page references to the record and the legal or other material relied upon; and

(iv) A proposed form of rule or order for the Administrator's consideration if different from the rule or order contained in the Presiding Officer's decision.

(4) No brief in excess of 40 pages shall be filed without leave of the Administrator.

(5) Oral argument will be allowed in the discretion of the Administrator.

(r) *Review of the Presiding Officer's decision in absence of appeal.* (1) If, after the expiration of the period for taking an appeal as provided for by paragraph (g) of this section, no appeal has been taken from the Presiding Officer's decision, the Hearing Clerk shall so notify the Administrator.

(2) The Administrator may, on his own motion, review the decision of the Presiding Officer. Notice of the intention of the Administrator to review the decision of the Presiding Officer shall be given to all parties and shall set forth the scope of such review and the issues which shall be considered and shall make provision for filing of briefs.

(s) *Decision on appeal or review.* (1) Upon appeal from or review of the Presiding Officer's decision, the Administrator shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and, in addition shall to the extent necessary or desirable exercise all the powers which he could have exercised if he had presided at the hearing.

(2) In rendering his decision, the Administrator shall adopt, modify or set aside the findings, conclusions, and rule or order contained in the decision of the Presiding Officer and shall include in the decision a statement of the reasons or bases for his action.

(3) In those cases where the Administrator believes that he should have further information or additional views of the parties as to the form and content of the rule or order to be issued the Administrator, in his discretion, may withhold final action pending the receipt of such additional information or views, or may remand the case to the Presiding Officer.

(t) *Reconsideration.* Within twenty (20) days after issuance of the Administrator's decision, any party may file with the Administrator a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Presiding Officer or the Administrator. Any party desiring to oppose such a petition shall file an answer thereto within ten (10) days after the filing of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory time period affecting such decision or order unless specifically so ordered by the Administrator.

(u) *End of hearing.* The hearing shall be deemed to have ended at the expiration of all periods allowed for appeal and review as provided for in this section.

(v) *Judicial review.* (1) The Administrator hereby designates the Deputy General Counsel, Environmental Protection Agency as the officer upon whom copy of any petition for judicial review shall be served. Such officer shall be responsible for filing in the court the record on which the order of the Administrator is based.

(2) Before forwarding the record to the court, the Agency shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the record to the court.

[FR Doc.74-6846 Filed 3-22-74;8:45 am]

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## [ 40 CFR Part 420 ]

## IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

### Proposed Effluent Limitations Guidelines and New Source Standards; Extension of Time for Comments

On February 19, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, et. seq. (39 FR 6484). The proposed regulation establishes effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the iron and steel manufacturing point source category. The due date for comments provided in the notice was March 21, 1974.

EPA anticipated that the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category" and the supplementary report entitled "Economic Analysis of Proposed Effluent Limitations Guidelines for the Iron and Steel Industry" which contain information pertinent to the proposed regulation, would be available to the public throughout the comment period. Production difficulties, however, delayed the availability of the Development Document until March 5, and the economic analysis report was not distributed until shortly before publication of this notice. The Agency believes that members of the public should have an opportunity to review the Development Document and the Economic Report in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to and including April 7, 1974.

The Agency is under a Federal court order to promulgate effluent limitations guidelines for the iron and steel category by May 27, 1974. Under the court order, the Agency may not extend the public comment period such that the date upon which the extended period closes is less than 50 days from the date on which promulgation is required.

Dated: March 19, 1974.

ALAN G. KIRK, II,
*Assistant Administrator for Enforcement and General Counsel.*

[FR Doc.74-6847 Filed 3-22-74;8:45 am]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 2, 89, 91, 93 ]

[Docket No. 18261; FCC 74-242]

### LAND MOBILE/UHF-TV SHARING PLAN FOR HOUSTON, DALLAS-FORT WORTH, AND MIAMI

#### Fourth Further Notice of Proposed Rule Making

In the matter of amendment of the Commission's rules to extend the Land Mobile/UHF-TV Sharing Plan for channels 14-20 to Houston and Dallas-Fort Worth, Texas, and Miami, Florida.

1. Notice of proposed rulemaking is hereby given in the above-entitled matter.

2. On May 20, 1970, the Commission adopted a plan for the shared use of some of the lower UHF television channels (Channels 14 through 20, 470-512 MHz) by the land mobile radio services within fifty miles of the center of the ten largest urban areas of the country, according to the 1960 census.[1] Key elements in the plan include geographic separations between land mobile stations and authorized television stations (operating or not yet in operation) on any of the Channels 14-21, to avoid co-channel, adjacent channel, or intermodulation interference to television reception; limitations on the antenna height and power for land mobile base stations (1,000 feet AAT, 1,000 ERP, or the equivalent); restrictions on the area of operation of mobile stations; and others. No more than two of the seven UHF television channels may be used in any one area for land mobile purposes. These, and other restrictions, were adopted because of the Commission's desire to protect television reception from interference, while providing reasonably adequate facilities for the land mobile services, and to preserve sufficient spectrum in and near the areas involved for future growth of UHF television. While this plan did freeze a number of UHF television table assignments, in almost every case, substitute channels were available, or could be made available, for proposed television stations.

3. The Commission had originally proposed in that proceeding to provide for shared use of as many of the lower seven UHF television channels as feasible in the twenty-five largest urban areas of the country. For a number of reasons, however, a more limited sharing plan was adopted and was confined to the largest ten urban areas.[2] When the Commission reached its decision, it stated that the sharing plan then adopted would be supervised closely for a five-year period and, at the end of that period as well as during the period, appropriate changes may be made. The plan has been in effect now for nearly four years. It has been implemented with detailed rules and suballocations. The land mobile services are making extremely good use of the frequencies in the 470-512 MHz band. For example, New York City has been provided the frequency resources in this band to accommodate the future communications requirements of its police department. In fact, in the New York and in the Washington, D.C., metropolitan areas, the frequency assignment growth in this band has been so rapid that changes in the suballocation structure became necessary.[3] During this period, we have had no complaints of interference to UHF television reception from land mobile operations in the 470-512 MHz band, and no indications that the sharing plan has had adverse effects on UHF television.

4. In view of this background and the continued growth of land mobile communications requirements, the Commission has studied the feasibility of extending the sharing plan into other urban areas. Our examination of land mobile requirements indicates that it is appropriate to extend the plan into the urban areas of Houston and Dallas-Fort Worth, Texas, and Miami, Florida. These areas were selected because land mobile growth there has been particularly rapid as a result of the burgeoning population and economic growth. Moreover, it appears that the land mobile radio services can be given access to frequencies in the 470-512 MHz band immediately, since replacement UHF television channels can be made available in these areas while providing full protection to existing television facilities (operating, or authorized but not yet constructed), with no modification of any television station authorization.

5. The Commission has also examined carefully the need for providing access to the 470-512 MHz band at this time to the land mobile radio services in these three areas. In so doing, we took into account the impending availability of frequencies in the 806-947 MHz region, as well as the possibility of accommodating the most urgent needs for spectrum within the present land mobile allocations below 470 MHz. Some room exists within the present allocations to accommodate part of the requirements, but not within the services where the need for additional communications is most pressing. Thus, for example, in the Business Radio Service in Houston, we have authorized, on the average, 145.87 mobiles per available frequency in the 450-470 MHz band. To a lesser degree, the Business frequencies are also heavily loaded in the Dallas-Fort Worth and in the Miami urban areas. While the number of authorized units may not always reflect the number of mobile units in actual operation, the average authorized channel loadings indicated may very well exceed the Commission's guidelines.

6. The frequencies in the 806-947 MHz region, when Docket No. 18262 is finalized, will, of course, provide for the future growth of land mobile communications. It should be noted, however, that there will be a period of time following the issuance of our decision in Docket No. 18262 before equipment will be available on a regular basis. By contrast, radio equipment for operation in the 470-512 MHz band is readily available; is produced on a regular basis; and has been tested in regular operation. In short, while the industry prepares to implement the frequency allocations in the 806-947 MHz region, present land mobile requirements in the areas mentioned can be accommodated in the 470-512 MHz band, particularly since this can be accomplished without appreciable adverse impact on existing television broadcasting.

7. However, since we are closer to the implementation of the frequencies in the 900 MHz band, we believe that a single UHF TV channel in each of the three urbanized areas should be sufficient to accommodate the immediate needs of the land mobile services there. Accordingly, we propose to amend Parts 2, 21, 89, 91 and 93 of the Commission's rules to make available to the land mobile radio services the following frequency bands: Miami, Florida, 470-476 MHz; Houston, Texas, 488-494; and Dallas-Fort Worth, Texas, 482-488 MHz. These frequencies would be made available under the rules and standards adopted in the First Report and Order in this proceeding. 23 FCC 2d 325. The necessary changes in the Table of Television Assignments are being covered in a separate notice adopted concurrently in Docket No. 19964.

8. Further, while the frequencies mentioned will be made available and are to be governed by the standards set out in our rules for 470-512 MHz land mobile operations, we will not suballocate the space as we did before. The reason for this stems partially from our experience, to date, in assigning frequencies in the "pools" designated in our prior orders in this case, but it is also based upon our desire to keep the assignment plan for Dallas-Fort Worth, Houston, and Miami as flexible as possible, so that whatever the pressing requirements of users in these areas turn out to be, we will be able to adjust to them with a minimum of procedural delay. Accordingly, unlike our prior assignment plan, we will not designate any particular frequency group for use by any particular class of eligibles.[4]

9. In view of the long background of this proceeding, we feel that the scope of the notice should be limited. In this regard, no useful purpose would be served by commenting on the sharing concept, as such, or on the particular sharing plan we have already implemented in other urbanized areas. Therefore, the parties should confine their comments to whether the UHF-television/land mobile sharing plan we have already adopted should be extended to the urbanized

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[1] Docket No. 18261, First Report and Order, 23 FCC 2d. 235.

[2] To date, because of delays in completing the necessary coordination with Canada, the sharing plan has not been implemented in Detroit, Michigan, and in Cleveland, Ohio.

[3] Fourth Report and Order, Docket No. 18261, 43 FCC 2d 949 (1973).

[4] We propose, however, to allocate, in each of the three urban areas, twelve frequency pairs in the Domestic Public Radio Services to be made available under eixsting rules.

areas mentioned above. With this narrow limit, the comment period will be thirty days with additional fifteen days for replies.

10. Authority for the proposed amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 22, 1974, and reply comments on or before May 6, 1974. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Response will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 7, 1974.

Released: March 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION [1]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[1] Dissenting statement of Commissioner Robert E. Lee filed as part of the original document.

Parts 2, 21, 89, 91, and 93 of 47 CFR Chapter I are amended as follows:

## PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, the table is amended with respect to the frequency band 470–512 MHz in columns 7 through 11 and footnote NG 66 is amended to read as follows:

**§ 2.106 Table of Frequency Allocations.**

* * * * * * *

Federal Communications Commission

| Band (MHz) | Service | Class of station | Frequency | Nature of services of stations |
|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 |
| * | * | * | * | * |
| 470-512 | BROADCASTING. LAND MOBILE. (NG66) | Television broadcasting. Land mobile. | | BROADCASTING. PUBLIC SAFETY. LAND TRANSPORTATION. INDUSTRIAL. DOMESTIC PUBLIC. |

NG66 The frequency band 470-512 MHz is allocated for use in the broadcasting and land mobile radio services. In the land mobile services it is available for assignment in the domestic public, public safety, industrial, and land transportation radio services at, or in the vicinity of 13 urbanized areas of the United States, as set forth in the table below, and subject to the standards and conditions set forth in parts 21, 89, 91, and 93 of this chapter.

* * * * * * *

| *Urbanized area* | *TV channel* |
|---|---|
| New York-Northeastern New Jersey | 14, 15 |
| Los Angeles | 14, 20 |
| Chicago-Northwestern Indiana | (1) |
| Philadelphia, Pa.-New Jersey | (1) |
| Detroit, Mich. | 15, 16 |
| San Francisco-Oakland, Calif. | 16, 17 |
| Boston, Mass. | 14, 16 |
| Washington, D.C.-Maryland-Virginia | 17, 18 |
| Pittsburgh, Pa. | 14, 18 |
| Cleveland, Ohio | 14, 15 |
| Miami, Fla. | 14 |
| Houston, Tex. | 17 |
| Dallas, Tex. | 16 |

* * * * * * *

[1] The specific channel availability will be designated following the conclusion of a separate proceeding.

## PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

2. In § 21.501(l), Table A is amended by the addition of the three cities listed below:

**§ 21.501 Frequencies.**

* * * * * *

(l) (5)

* * * * * *

TABLE A.—*Frequency availability for land mobile use*

| Urbanized area | Geographic center: North latitude | Geographic center: West longitude | Frequencies (MHz) |
|---|---|---|---|
| * | * | * | * |
| Miami, Fla. | 25°46'37" | 80°11'32" | Channel 14 470-476. |
| Houston, Tex. | 29°45'26" | 95°21'37" | Channel 17 488-494. |
| Dallas, Tex. | 32°47'09" | 96°47'37" | Channel 16 482-488. |
| * | * | * | * |

* * * * * *

## PART 89—PUBLIC SAFETY RADIO SERVICES

3. Section 89.60(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

**§ 89.60 Use of FCC Form 425.**

(a) * * *

(2) * * *

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

* * * * * *

4. In § 89.123(b), Table G is amended by the addition of the three cities listed below:

**§ 89.123 Frequencies in the band 470–512 MHz.**

* * * * * *

(b) * * *

TABLE G.—*Frequency availability for land mobile use*

| Urbanized area | Geographic center: North latitude | Geographic center: West longitude | Frequencies (MHz) |
|---|---|---|---|
| * | * | * | * |
| Miami, Fla. | 25°46'37" | 80°11'32" | Channel 14 470-476. |
| Houston, Tex. | 29°45'26" | 95°21'37" | Channel 17 488-494. |
| Dallas, Tex. | 32°47'09" | 96°47'37" | Channel 16 482-488. |
| * | * | * | * |

* * * * * *

## PART 91—INDUSTRIAL RADIO SERVICES

5. Section 91.57(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

**§ 91.57 Use of FCC Form 425.**

(a) * * *

(2) * * *

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

* * * * * *

6. In § 91.114(b), Table G is amended by the addition of the three cities listed below:

**§ 91.114 Frequencies in the band 470–512 MHz.**

* * * * * *

(b) * * *

TABLE G.—*Frequency availability for land mobile use*

| Urbanized area | Geographic center: North latitude | Geographic center: West longitude | Frequencies (MHz) |
|---|---|---|---|
| * | * | * | * |
| Miami, Fla. | 25°46'37" | 80°11'32" | Channel 14 470-476. |
| Houston, Tex. | 29°45'26" | 95°21'37" | Channel 17 488-494. |
| Dallas, Tex. | 32°47'09" | 96°47'37" | Channel 16 482-488. |
| * | * | * | * |

* * * * * *

## PART 93—LAND TRANSPORTATION RADIO SERVICES

7. Section 93.57(a)(2) is amended by the addition of the three cities listed below:

§ 93.57 Use of FCC Form 425.

(a) * * *

(2) * * *

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

* * * * *

8. In § 93.114(b), Table G is amended by the addition of the three cities listed below:

§ 93.114 Frequencies in the band 470–512 MHz.

* * * * *

(b) * * *

TABLE G.—*Frequency availability for land mobile use*

| Urbanized area | Geographic center | | Frequencies (MHz) |
|---|---|---|---|
| | North latitude | West longitude | |
| * | * | * | * |
| Miami, Fla..... | 25°46'37" | 80°11'32" | Channel 14 470–476. |
| Houston, Tex.. | 29°45'26" | 95°21'37" | Channel 17 488–494. |
| Dallas, Tex..... | 32°47'09" | 96°47'37" | Channel 16 482–488. |
| * | * | * | * |

* * * * *

[FR Doc.74–6660 Filed 3–22–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19964; FCC 74–243]

## TELEVISION BROADCAST STATIONS IN FLORIDA, OKLAHOMA, AND TEXAS

### Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations. (Boca Raton, Florida; Ardmore, Hugo, and Lawton, Oklahoma; and Longview, Texas).

1. Notice of proposed rulemaking is hereby given in the above-entitled matter.

2. In a First Report and Order in Docket No. 18261, adopted May 20, 1970, the Commission established a plan under which licensees in the land mobile radio services are allowed to share a maximum of two of the lower seven UHF television channels (Channels 14 through 20) in and near the ten largest urban areas of the country (23 F.C.C. 2d 235). In a Fourth Further Notice of Proposed Rule Making adopted today in the same docket No. 18261 (FR 11109), is proposed to extend the frequency sharing plan to the urban areas of Miami, Florida, and Houston and Dallas-Fort Worth, Texas. However, the proposal would allow the sharing of only one channel in each of these areas. Channel 14 would be shared at Miami, Channel 17 at Houston, and Channel 16 at Dallas-Fort Worth. The reasons for this proposed extension of the sharing plan are set forth in the Fourth Further Notice mentioned above and will not be repeated here.

3. If the proposed plan is adopted, it would not affect usage of currently assigned UHF channels in the vicinity of Houston. However, as to Miami, land mobile users in the area could not afford appropriate protection against interference to an occupant of Channel *14 at Boca Raton (presently unoccupied and unapplied for). Similarly, there are UHF channels, presently unoccupied and unapplied for, at Longview, Texas (Channel 16), and the Oklahoma communities of Ardmore (Channel *17), Hugo (Channel *15), and Lawton (Channel 16), to which land mobile users at Dallas-Fort Worth could not afford adequate protection if the channels were to become occupied. Because of this, we are proposing to freeze the aforementioned channel assignments at the communities mentioned, in the event that the proposed sharing plan is adopted. Moreover, in view of the fact that interest in activating some of these channels has been demonstrated, we think it in the public interest to propose replacement channels for them.

4. By freezing the channels, we mean that we shall not accept applications for construction permits for new television facilities on them, and that we shall not accept requests for changes in the table of assignments that would involve moving an assignment of an affected channel to another location within 212 miles, co-channel, and 140 miles, adjacent channel, of the geographic centers of the three aforementioned urbanized areas as set forth in the proposed amendment of Table G, § 89.123 of the rules, appearing in the Fourth Further Notice of Proposed Rulemaking adopted today in Docket No. 18261.

5. In view of the foregoing, we are proposing to make the following amendments to the Television Table of Assignments, § 73.606(b) of the Commission rules, if the sharing plan proposed in Docket No. 18261 is adopted:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Boca Raton, Fla..... | *14 | *14,[1] *62 |
| Ardmore, Okla..... | *17 | *17,[1] *28 |
| Hugo, Okla..... | *15 | *15,[1] *48 |
| Lawton, Okla..... | 16 | 16,[1] 45 |
| Longview, Tex..... | 16 | 16,[1] 51 |

[1] Following the decision in docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

6. Authority for the proposed amendments is found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 22, 1974, and reply comments on or before May 6, 1974. All submissions by parties to this proceeding, or persons action on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

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

[FR Doc.74–661 Filed 3–22–74;8:45 am]

[47 CFR Part 73]

[Docket No. 19975; RM–2137]

## FM STATIONS IN JEFFERSON, KY.

### Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broacast stations. (Jeffersontown, Kentucky).

1. Notice of proposed rule making is given with respect to the petition of Charles N. Cutler requesting amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) to assign Channel 296A as a first FM assignment to Jeffersontown, Kentucky.

2. Jeffersontown, population 9,701, is located in Jefferson County, population 695,055.[1] Jeffersontown is approximately four miles east of Louisville (population 261,472), the central city of the Louisville Standard Metropolitan Statistical Area (SMSA); the SMSA has a 1973 population of 867,330.[2] In support of the petition, Cutler urges that despite the proximity of Jeffersontown to Louisville, it "is not a close-in suburb * * * [and] has a life of its own". (Petition p. 2.) We are told that Jeffersontown has a city government with a full range of municipal services; a full school system (two elementary schools, a junior high, and a high school) and a parochial school and a vocational school are there. The petition details other information and data indicating the independent nature of Jeffersontown's existence including a post office, banks, government, and commercial services, shopping centers and stores, 16 churches within a three mile radius. Petitioner states that it is unrealistic to expect the many Louisville broadcast stations to provide meaningful broadcast service to Jeffersontown; eight AM stations (five unlimited time), five FM stations, and two non-commercial educational FM stations. There are six other aural broadcast services in the area: a Class A FM station at St. Matthews, population 13,152, which, it might be noted, is completely within the city of Louisville; two daytime-only stations and a non-commercial educational FM station at New Albany, population 38,402, located in Floyd County, Indiana; and finally Jeffersonville, population 20,008, in Clark County, Indiana, has a Class IV AM station and a Class B FM station.

[1] All population information is from the 1970 U.S. Census unless otherwise indicated.

[2] It consists of Jefferson, Bullitt, and Oldham Counties in Kentucky, and Clark and Floyd Counties in Indiana. The populations of the latter are 26,090, 14,687, 75,876, and 55,622, respectively.

3. It would appear that the petitioner has made an adequate showing that the assignment of Channel 269A to Jeffersontown might serve the public interest, convenience, and necessity, at least to the extent of our putting the matter out for proposed rule making. However, we should like further information as to whether other FM channels are available for assignment to three Kentucky communities of 2,000 or more population which would be precluded by assignment of Channel 269A to Jeffersontown; these are Eminence, population 2,225 the largest city in Henry County (population 10,910), Mt. Washington, population 2,020 (in Bullitt County) and Shelbyville, population 4,182, the seat of Shelby County (population 18,999); both Eminence and Shelbyville have a daytime-only AM station. In this respect, petitioner and other parties interested in this rule making are referred to discussions in Cayce, 30 F.C.C. 2d 180, 181, 184 (1971); Modesto and Albuquerque, 35 F.C.C. 2d 230, 231–2, 235 (1972), about assignments to communities in an SMSA where there is a plethora of service; see also Whaleyville, 28 F.C.C. 2d 641 (1971), on reconsideration, 34 F.C.C. 2d 856 (1973); and compare with Wilmington, 34 F.C.C. 2d 440 (1972), affirmed 35 F.C.C. 2d 735, 736 (1972); and Colorado Springs adopted January 23, 1974 (FCC 74–70), __ F.C.C. 2d __.

4. In view of the foregoing, pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, IT IS PROPOSED TO AMEND, Section 73.202 (b) of the Commission's Rules and Regulations, the FM Table of Assignments, as concerns Jeffersontown, Kentucky, as follows:

| City | Channel No. | |
|---|---|---|
| | Present | Proposed |
| Jeffersontown, Ky | | 269A |

5. *Showings required.* Comments are invited on the proposal discussed above. Petitioner and other interested parties are expected to answer whatever questions are raised in the Notice. Petitioner or any other party interested in the assignment of Channel 269A to Jeffersontown should also specifically state an intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file such comments may lead to denial of the request.

6. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 30, 1974, and reply comments on or before May 10, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: March 15, 1974.

Released: March 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
*Chief, Broadcast Bureau.*

[FR Doc.74-6799 Filed 3-22-74;8:45 am]

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[ 47 CFR Part 73 ]

[Docket No. 19974]

## TELEVISION STATION IN PONCE, PUERTO RICO

### Table of Assignments

INTRODUCTION

In the Matter of Amendment of section 73.606(b) of the Commission's Rules, the Table of Television Assignments, to change Channel 7 at Ponce, Puerto Rico to a Ponce-San Juan assignment. General Policy Questions Involved in the Proposal to Move the Transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico.

1. This proceeding is instituted in order to explore various questions, and possible approaches, involved in a proposal by Ponce Television Corporation (WRIK), licensee of Station WRIK–TV, Ponce, Puerto Rico (Channel 7) to move that station's transmitter location to a point which is closer to San Juan, the major city of Puerto Rico, than to Ponce. The proceeding is prompted by a "Petition for Declaration of Policies with Respect to Television Service in Puerto Rico", filed by WRIK on September 19, 1973 (and opposed by various other parties as mentioned below). The petition follows, by some 15 months, the withdrawal and dismissal with prejudice of WRIK's application to make the above-mentioned move, which had been vigorously opposed by three stations, and designated for hearing on various issues (designated March 1972, Docket 19459; see Ponce Television Corporation, 33 FCC 2d 940).

2. As described in the petition (correctly as far as we know), WRIK–TV is one of four Puerto Rican stations which, among them, serve as the originating sources of the bulk of the island's TV programming,[1] the others being WAPA–TV and WKAQ–TV, San Juan, and WKBM–TV, Caguas-San Juan. All have other outlets increasing their coverage of the island beyond that possible by direct off-air reception of the main station, particularly in the Western portion; WAPA–TV and WRIK–TV have agreements under which regular stations at Aguadilla and Mayaguez respectively re-broadcast their programs. WKBM–TV has a satellite station at Ponce, and WKAQ–TV uses a number of translators (the other three systems also involve some translators). WRIK–TV claims in its petition that these are in effect Puerto Rico's "networks", and that competitive equality among them has the same high importance here as the Commission has recognized generally in connection with the three mainland U.S. national networks, ABC, CBS and NBC. This, it is said, requires both Island-wide coverage and equal access by the four "flagship" stations to the populous and relatively wealthy San Juan market, which WRIK–TV does not have because of its greater distance from San Juan than the other three (and terrain obstacles in this generally rugged area).[2]

3. In substance, WRIK asks the Commission to issue a policy statement to the effect that, in its case and any similar Puerto Rican situation, this concept of equality for the flagship stations of Island-wide systems (or networks) is "a matter of high importance not to be cast aside without very strong countervailing reasons". (See Appendix for the complete text of its requested policy statement.) It would have us make this statement even assuming arguendo the truth of the allegations against its application made by the opponents and embodied generally in the four Docket 19459 hearing issues particularly pertinent here: (1) "UHF impact" on the future establishment of a

[1] For linguistic and perhaps other reasons, there is virtually no "national" network service (from ABC, CBS, and NBC) in Puerto Rico, with the possible exception of some sports events. There is some use of "off-network" material translated into Spanish.

[2] WRIK–TV asserts that the public interest is harmed if one of these four program sources is in economic jeopardy, inter alia because it might mean the critical impairment or total destruction of the economic viability of the outlying stations to serve as means of local self-expression.

San Juan UHF station;[3] (2) "shadowing" problems with respect to coverage of Ponce from the proposed location, which might require "a waiver of a minor technical rule" (§§ 73.685(a), concerning determination of the signal intensity over the community of license, and 73.658(b) concerning suitability of transmitter location); (3) possible losses or degradations of television service to areas and populations; (4) that grant of WRIK's application to move site, to a point closer to the larger city of San Juan than to Ponce, might be considered a de facto reallocation of the channel to San Juan, "despite the fact that WRIK will continue to provide a local outlet for Ponce."

4. The WRIK "Petition" seeks a statement of policy as mentioned above. However, in a subsequent letter to the staff, petitioner suggested as an alternative the addition of a statement to the rules, as a footnote to § 73.606(a), as follows:

> The Commission's policy of providing equal facilities so far as possible to national networks is applicable to Puerto Rican television networks. Accordingly, in the absence of strong countervailing reasons, the Commission will grant authorizations or waivers, or both, to the extent necessary to provide Puerto Rican networks with facilities for equal and adequate access to the principal communities of the island.

### Brief Survey of Puerto Rican TV Assignments and Stations, and the History of WRIK–TV

5. There are 10 VHF channel assignments in Puerto Rico, of which two (at San Juan and Mayaguez) are used by non-commercial educational stations. One (Ch. 13 at Fajardo) is occupied by an authorized station which has not gone into operation (litigation over a modification is pending. The remaining 7 assignments are occupied by the two San Juan and one Caguas-San Juan stations mentioned, WRIK–TV and WSUR at Ponce (the latter a satellite of the Caguas-San Juan station) and, in the Western part of the island, WOLE–TV at Aguadilla (with authority to identify with Mayaguez also) and WORA–TV at Mayaguez.[4] There are also 25 UHF assignments, 9 of them reserved for education, of which one unreserved channel at Aguadilla is occupied by an authorized (1972) but not yet operational station, and one at San Juan is applied for (see footnote 3, above). It should be noted that the distances between major communities are comparatively small—e.g., about 47 miles between San Juan (on the northern coast slightly east of center) and Ponce (near the southern coast slightly west of center); but rugged terrain in much of the island prevents direct reception over long distances. The entire island extends slightly more than 100 miles from east to west and about 35 miles north-south.

6. *WRIK–TV.* This station is licensed to Ponce Television Corporation, 80 percent of whose stock since 1970 has been owned, ultimately, by United Artists Corporation, a major U.S. film producer and distributor. The station went on the air in 1958, and for several years operated from a site close to Ponce and served as a rebroadcast outlet for Station WKAQ–TV, San Juan. In 1967, after Commission approval, it moved its transmitter site to its present location (Cerro Maravilla) 10 miles north and slightly east of Ponce and 35 miles southwest of San Juan. At about the same time it took steps to become an independent programming source, enlarging its staff and building a large studio in San Juan. From this site, it puts a predicted principal-city signal over San Juan as well as Ponce, but in March 1969 the Commission denied an application for authority for dual-city identification, because of impact on the development of UHF (particularly on Station WTSJ, San Juan). See Ponce Television Corporation, 17 FCC 2d 411 and, on reconsideration, 18 FCC 2d 543 (both 1969). In the latter decisions, the Commission set forth certain conditions on WRIK's use of its "auxiliary" San Juan studio: more than 50% of the station's programs other than network and other than entertainment (including sports) must originate from Ponce, and if the San Juan studio has facilities for color telecasting the Ponce studio must have them also.

7. In March 1971 WRIK applied for permission to move transmitter site to a location close to those of the two San Juan stations, some 37 miles east and slightly north of Ponce and about 24 miles south of San Juan.[5] This was opposed by three stations, as mentioned above, particularly WAPA–TV and WTSJ, San Juan, and was designated for hearing in March 1972, on issues mentioned above, and also an issue as to whether, in fact, WRIK had moved its main studio to San Juan without Commission authority (the opponents claimed that WRIK–TV had not complied with the two requirements mentioned above). Shortly thereafter WRIK withdrew its application rather than go through a long and burdensome hearing proceeding (described in the instant petition as "an adventure in self-immolation"), and later paid a $10,000 fine in connection with the studio question, whereupon the hearing was terminated. In September 1973 it filed the instant petition requesting a declaration of policy. Other details of WRIK's operation, including its claimed losses, are set forth below.

### Material in the Petition and Responsive Pleadings

8. Essentially, WRIK's petition sets forth the position that the whole island of Puerto Rico is one market for TV advertising purposes, with the greater San Juan area as the crucial core of that market; that the basis of Puerto Rican television is the island-wide systems (now four) each with a "flagship" station serving San Juan and having island-wide coverage through translators or rebroadcast arrangements with regular stations (no station has ever operated successfully without being part of such a system); that the WRIK system ("Rickavision") is at a serious disadvantage by virtue of its inferior coverage of San Juan compared to the other three "flagship stations", to the extent that it is cut off "from at least half the market opportunities in the island", which precludes its long-term viability; and that as a result it has had staggering losses, totalling nearly $8.5 million in the three years 1970–1972, requiring cash advances from the parent United Artists of about that amount in three years and a total of more than $10,000,000 by the end of 1973 (all despite higher than average program expenses ranging from $2,650,000 to $2,856,000 per year, including its payment to WORA–TV for rebroadcast of $720,000 or more each year, which in two of the three years were more than its total revenues). It is stated that the station's survival is jeopardized, and it cannot continue these losses much longer; the survival of outside stations as well would thus be jeopardized.

9. Recognizing that it had an opportunity in 1972 to make its case in a hearing, WRI asserts that it withdrew because of the delay and burden involved—"defeat by attrition". It asks now that the Commission dispose of the objections of its opponents by "advance recognition by the Commission of the unique nature of the television industry in Puerto Rico

[3] In the Docket 19459 hearing order, this was the first issue, and was put in general terms—whether grant would impair the ability of authorized and prospective UHF stations in the area to compete effectively, or would wholly or partly jeopardize the continuation of existing UHF service. At that time UHF Station WTSJ operated in San Juan, along with satellite stations at Ponce and Mayaguez; however, these three stations ceased operation, and their authorizations were surrendered, in November 1972. An application was tendered for the same San Juan UHF channel at about the time of WRIK's present petition (September 1973); the new San Juan applicant, who opposes the WRIK petition, proposes an English-language service, the same type of operation engaged in by WTSJ. One UHF station is authorized but not operational in Puerto Rico, at Aguadilla, in the northwestern part of the island.

[4] One aspect of this matter which should be noted is that there are no mileage separation problems. There are no co-channel assignments in Puerto Rico on this or any channel; the only adjacent-channel assignment in the area is Channel 8 at Christiansted, V.I., more than 85 miles from the location proposed in WRIK's last application and farther from either San Juan or Ponce.

[5] The site of the Caguas-San Juan station is north of these locations, closer to Caguas and San Juan.

and the necessity of equal access to San Juan by the flagship station of each system." This would remove the contentions of the opponents as "substantial and material questions of fact" and thus make an evidentiary hearing on another application unnecessary, depriving the opponents of the procedural tool which otherwise they will be able to use indefinitely to perpetuate their competitive advantage and the anti-competitive situation. Accordingly, we are asked to make a formal statement to the effect that the various matters urged cannot equal in importance the "equality of access for flagship stations" concept—[4] which, it is claimed, the Commission has recognized many times in connection with mainland U.S. broadcast matters. Examples are cited of past Commission general statements concerning matters involved in applications and hearings—"307(b)", comparative broadcast hearings, TV multiple ownership, etc.

10. WRIK submits considerable factual data in support of various parts of its argument. One subject is the importance of San Juan and its area in the life of Puerto Rico, including only about 27% of the population but 70% of the wholesale and 50% of the retail trade, and 72% of service activities, and having with 45 of 52 of the island's advertising agencies which place 99% of the total advertising placed by Puerto Rican agencies.[7] It is also described as the center of government and of the island's cultural activity. A second area as to which data was advanced concerns WRIK–TV's share of audience in the San Juan area, in the South-West region which includes Ponce, Mayaguez and Aguadilla, and in the island overall. Based on a May 1973 survey, WRIK–TV is fourth in 61 of 63 weekly evening half-hours (third in two), whereas in the South-West Region it was first or second in 62 of 63 (third once).[8]

11. *Arguments of the opponents.* The WRIK petition was opposed by the licensees of the two San Juan stations, WAPA–TV and WKAQ–TV, and by Suburban Broadcasting Corporation, the new UHF applicant there. The first two oppositions were in the form of motions to dismiss. All of these parties urge largely procedural concepts—that the petition's request is without precedent, a "circumvention of established procedures" (either the hearing opportunity which WRIK decided not to accept, or formal rulemaking to reallocate the channel), a petition for reconsideration of matters already decided when the Commission designated the earlier WRIK application for hearing, or a request for an "advance waiver" of important matters which would be involved in any future hearing. It is claimed that WRIK has not sustained the burden of establishing why such an unprecedented approach should be taken, and, indeed, that it is not permissible under the Communications Act and the Administrative Procedure Act. It is urged that none of the past examples of Commission general policy statements cited is precedent here (for example, it is claimed that the Comparative Hearing policy statement was basically a statement of existing policy, not the formulation of a new policy); and that this kind of approach would spawn a host of similar requests by potential applicants, to have troublesome issues settled in advance.

12. WKAQ–TV also goes into the particular facts of the situation, urging: (1) WRIK obviously was not so concerned about time pressure when it dismissed its application in 1972, since it could well have had a hearing decision by now if it had continued; (2) the economic situation is simply not all that urgent, in view of the profitability of United Artists and Transamerica Corp. (the ultimate parent of WRIK); lower deficits in 1972 than in earlier years; the facts that Ponce, the WRIK–TV city of license, showed radio revenues of over $1,000,000 in 1970 and should be able to support two TV stations, and that there is a UHF permitted in the smaller city of Aguadilla; and (3) the fact that the Commission is not a guarantor of profit.

13. The new San Juan UHF applicant makes some of these arguments and also urges the importance of localism in the Commission's allocation of television channels, and the fact that the addition of a fourth San Juan VHF competitor would assertedly mean the end of the proposed UHF operation (splitting the advertising revenue available among four, rather than three, powerful VHF competitors). It asserts that what is involved here is really a reallocation of Channel 7 to San Juan, in which case the station authorized on the channel now does not have rights greater than any other applicant; and it requests equal opportunity to apply for the channel if it is reassigned to San Juan.

14. There were later pleadings by WRIK and WKAQ, but, since we are herein taking no final action, it is not necessary to discuss them.

15. *Letters from the representative of the Governor of Puerto Rico.* On September 27, 1973, a letter was addressed to the Commission by Mr. Jose A. Cabranes, of Washington, D.C., Administrator and Special Counsel to the Governor of Puerto Rico. It is asserted that the circumstances of Puerto Rico, including television, are unique and different as compared to those of the mainland U.S. (as to language, economic conditions, etc.), so that the same policies should not necessarily apply (citing our recent rule-making proposal concerning dual-language TV/FM programming). It is stated that for practical purposes the island is one television market, served by four systems or "networks" (as described above); and it is urged that the Commission recognize the problems and "take such action, as promptly as possible, as well as assure diverse sources of programming for Puerto Rico while avoiding undue or unusual concentration of control of the broadcast media."

16. On October 10, 1973, Mr. Cabranes directed another letter, stating that the Commonwealth Government neither supports nor opposes the WRIK petition, but that the earlier letter was simply designed to provide the Commission with information as to Puerto Rico and its acknowledged "uniqueness".

DISCUSSION

17. *Preliminary observations.* At the outset of our discussion of the foregoing matters, it is appropriate to make one general observation. At this point, it appears to us far from clear that the public interest would be furthered by permitting WRIK–TV to make the transmitter move proposed in its earlier application, or that, even if the move should be found ultimately to be in the public interest, it is appropriate or feasible to issue the kind of advance "policy statement" which WRIK seeks. The hearing process, whatever its drawbacks, is the procedure designed to develop most completely the facts of a given situation; and the Commission has often been reversed by the Court of Appeals for not adopting it in various situations. WRIK rejected its earlier opportunity to present its case in this fashion; and it may well be that the most appropriate course is simply to afford it the same opportunity if and when it tenders a similar application. The four hearing issues concerning the earlier application which were mentioned above—"UHF impact", the matter of de facto reallocation of the channel, "shadowing" over the principal community and net losses in service—are important considerations, and also subjects where at least a fairly close look at the particular facts involved appears likely to be necessary before a decision can be reached. Unless we conclude that the "equal facilities for flagship stations" concept urged, together with WRIK–TV's economic situation, is so compelling as to dwarf these other matters, it is rather hard to see how a hearing could be avoided, as long as Channel 7 remains assigned to Ponce.

18. Because of these reservations and problems concerning a possible "statement of policy", we are including herein, although not requested by petitioner, the matter of simply reassigning the channel so as to make it available for use by a station licensed to San Juan, by re-designating it as a hyphenated "Ponce-San

[4] WRIK claims that the four lines of objection are not of great importance; the shadowing and "loss of service" problems (if any) can be cured by translators, the impact on a potential UHF station in San Juan cannot be held to equal the importance of maintaining existing services, and, as long as WRIK maintains its present extent of local service to Ponce, it is idle to ask whether the move might be considered by some a "de facto" reallocation of the channel to San Juan.

[7] Pertinent 1970 Census population figures are as follows: Puerto Rico, 2,712,033; San Juan city, 452,759, urbanized area 820,442, SMSA 851,247; Ponce city, 128,233, SMSA 158,981. Caguas, fairly close to San Juan, had a city population of 63,215 and an SMSA population of 95,661.

[8] For the island as a whole, WRIK–TV was first in 3 half-hours, second in 4, third in 25 and fourth in 31.

Juan" assignment. This is the traditional and most direct approach to such matters, and it eliminates the question of "de facto reallocation", although it probably also means that the channel would be open to other applicants, such as the new UHF applicant. The matter of reassignment is discussed more fully below, and one of the questions on which comments are invited is whether—legally or as a matter of basic fairness—such reassignment does in fact open the channel to any applicant who wishes to seek it.

19. However, despite the foregoing doubts and problems, we believe the possibility of issuing a statement in this situation, with a view to settling at an early date as many matters as can be so resolved, should be explored, and that is one of the chief purposes of this proceeding. This threshold question is one of the matters set forth below on which comment is invited. As WRIK points out, the Commission has in the past issued policy statements designed to create certainty and simplify or eliminate matters as hearing issues.[9] While use of that approach here would be somewhat novel, for one reason because at most only a very few situations would be involved if the matter is limited to Puerto Rico, this does not by itself render such a procedure either inappropriate or unfeasible. The hearing process is undoubtedly a time-consuming and burdensome one, for the Commission and staff as well as for the parties. Consistent with the Commission's authority, and indeed its obligation, to adopt procedures which conduce to the most prompt and efficient handling of its business, we believe consideration should be given to the possible issuance of a statement which would settle some, or conveivably all, of the matters which might otherwise require a hearing if and when WRIK tenders an application similar to that of 1971. This is the only conclusion which has been reached at this point. There is another advantage also: instituting a proceeding in the form of this one may provide useful comments on questions which come up from time to time. One of these is the question of whether, under circumstances such as those here assuming a transmitter move like that previously applied for, there would have been a "de facto" reallocation of the channel to make it a San Juan assignment. Another is whether a channel reassignment—either a "de facto" one or a formal rule-making action—automatically opens the channel up to other applicants. These matters are discussed below.

20. *Re-designation of Channel 7 as a "Ponce-San Juan" assignment.* This is the only rule-making proposal included herein.[10] We have substantial reservations about whether it would be an appropriate move; as mentioned, it is advanced as probably the most direct approach to the problems raised by petitioner, assuming *arguendo* that any relief can and should be given. Use of the channel at San Juan might be justifiable, from a "307(b)" standpoint, in light of the comparative populations of the two cities (footnote 7 above), since this would mean three unreserved VHF channels at San Juan (or four if the Caguas assignment is counted) compared to one for Ponce. While there are arguments the other way, such as encouragement of a "choice of local service" at Ponce (particularly since the other existing station operates entirely or very largely as a satellite), we believe the formal reassignment warrants consideration. Many of the subjects set forth below on which comment is invited are relevant in this connection also, and will be considered in both connections without having to be set forth separately. One of these subjects is the question of whether, if the channel is so reassigned and WRIK–TV seeks modification of license to become a San Juan station, the channel thus becomes available to other Ponce and San Juan applicants.

21. *The economic situation and prospects of WRIK–TV.* While we do not here attempt to spell out the showings which will be required in this matter, it appears likely that the economic situation and prospects of WRIK–TV may well be an important part of the case, both as to the need for and propriety of the "advance ruling" requested and as to the ultimate merits of its transmitter-move proposal. The Commission will consider the data contained in stations' annual financial reports, and we will assume that WRIK agrees that such data for WRIK–TV may be made public to the extent necessary to support the decision reached. The same assumption will be made as to other Puerto Rican licensees who participate in the proceedings.

22. *"Inequality in access to San Juan".* One of the important aspects of WRIK's case is that WRIK–TV does not put a signal over the major city of San Juan comparable to those of the other three stations, despite the fact that all put a predicted principal-city signal over this area, and that therefore it is at a serious competitive disadvantage. The data in support of this consists of an audience-preference survey, showing respective shares of audience in greater San Juan and elsewhere. While this might be indicative of comparative signal quality, it might also reflect to a substantial extent the programming of the stations, since audience tastes vary among viewers, including variations among different areas, e.g., large-city vis-a-vis more rural areas. Therefore it would be desirable for a showing on this subject to include more than audience data, so as to indicate more precisely whatever technical difference in signals may exist.

23. *"Comparative equality for flagship stations" and "UHF impact".* The first of these concepts is the key to WRIK's argument—that here there should be equal facilities and access to the heart of the market for the four Puerto Rican "originating stations", and that the Commission should hold this to be an overriding consideration outweighing the various other aspects of the matter, including impact on UHF development. It is true, as WRIK points out, that past Commission actions have emphasized the concept of "equality" and "equal access" among networks and their outlets.[11] However, particularly in more recent years, there have been substantial limits on the application of such concepts, chiefly resulting from the matter of "UHF impact", which has been of particular concern to the Commission in light of our commitment to make vigorous efforts to further UHF development generally, a commitment made in connection with enactment of the "all channel receiver law" in 1962 (see § 303(s) and 330 of the Communications Act). Thus, in the VHF drop-in matter cited by the petitioner and above, we refused to make 7 additional VHF short-spaced drop ins. More recently, we acted to terminate ABC's authority to continue serving the San Diego market through a Tijuana, Mexico VHF station, in order to further the development of UHF in San Diego. See American Broadcasting Companies, Inc., 35 FCC 2d 1 (1972). There are numerous other examples. The all-channel law and our implementing rules apply as much to Puerto Rico as they do to the mainland U.S., and therefore the same general considerations would appear to apply also.

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[9] See Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965); Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities 2 FCC 2d 190 (1965); Interim Policy Concerning Acquisition of Television Broadcast Stations, FCC 65–548, 30 F.R. 8173, 5 R.R. 2d 271 (1965).

[10] We do not believe it appropriate to consider the addition of a footnote to § 73.606, as suggested by petitioner in a letter and mentioned in par. 4 above. There appears no reason to clutter the Table of Assignments with a statement which is both somewhat indefinite and applicable only in a very few situations. As to reassigning the channel to San Juan alone, while comments making this suggestion will be entertained, we do not believe it appropriate as a Commission proposal, since it would, at least for now, foreclose the second largest city in Puerto Rico (Ponce) from having a local station other than a satellite. While "hyphenation" is not a favored concept, it appears the most suitable approach here if any change is to be made.

[11] WRIK cites the VHF drop-in decisions, 25 R.R. 1687, 1696 (1963), particularly Chairman Minow's concurring statement; the ABC–ITT Merger decision, 9 FCC 2d 546, 571 (1967); and in radio, various Court and Commission actions in the "KOB–WABC" case (1960 and 1965 Court decision, 280 F. 2d 631, 635, and 345 F. 2d 954, and the Commission's later 1969 rule-making action, Clear Channel Broadcasting, 17 FCC 2d 257, 270). Other actions could be cited, such as the third-VHF-channel "drop ins" made in 1961 in Grand Rapids, Mich. and Rochester and Syracuse, N.Y., as well as the "move-in" of the New Bedford, Mass. station to a location where it could better serve the Providence, R.I. market (see 17 R.R. 1737, 1748a and 1754, and 23 R.R. 1050, respectively).

24. Since there have been San Juan UHF operations in the past and there is now a pending application, the "UHF impact" concept may be the most difficult hurdle facing WRIK in this matter, now or later. However, it may be that there are possible counter-arguments worthy of attention, for example the absence here of any mileage separation deviation, the fact that no impact on any existing UHF station is involved now (unlike the situation earlier) [12], and the importance (if in fact it exists) of a transmitter move to insure the survival of a station providing some locally originated service to Ponce. These matters appear to warrant exploration, together with the "equality" concept which WRIK urges so strongly.[13]

25. *"Shadowing" and "loss of service" resulting from the move.* These matters, included as two of the four basic hearing issues on which the earlier application was designated, are not subjects which can profitably be discussed at length in the absence of specific facts. They may be of high importance (for example, as to losses in service, see Hall v. FCC, 237 F 2d 567 (1956), and Television Corporation of Michigan v. FCC, 294 F 2d 730 (1961)), or they may be of considerably lesser weight, depending on the facts presented in a given situation.[14] As discussed below, the problem of "shadowing" into Ponce, to the extent it may exist, may be relevant in connection with the question of whether the transmitter move contemplated would amount to a *de facto* reassignment of the channel. One point should be noted: WRIK asserts that whatever drawbacks in these respects its proposal may have, they are curable by translator operation; it should be specific as to its intentions in these respects if it wishes to get any kind of an advance determination on these points (which may well not be possible anyhow).

26. *"De facto" reallocation and whether reallocation opens the channel to all applicants.* Comment is invited on two questions which involve legal as well as policy considerations: (1) Whether under all of the circumstances here, permitting a transmitter move such as that in WRIK–TV's earlier application is in effect a de facto reallocation or reassignment of the channel to San Juan, in any meaningful sense; and (2) assuming either a de facto or a formal reassignment, whether this means that the channel should be open to all applicants, assuming, in the case of a formal reassignment, that the station takes steps, such as moving its site or seeking a change in its city of license, to become a station tied to the larger city. In connection with the first question, it is certainly arguable that the combination of facts would make the station really a San Juan station, taking into account its location closer to San Juan than to Ponce (and providing a better signal to the former than to the latter), the maintenance of elaborate studios in San Juan, the origination of the bulk of its programming there (both entertainment and part of non-entertainment material), and the established fact that stations generally tend to be oriented toward the larger city, where the bulk of their potential audience and potential advertising revenues are located. On the other hand, it may be that this is too rigid a view of the matter to be realistic. TV stations and channels assigned in the general area of large cities, but not to them, have shown a very strong tendency to gravitate toward the larger center; and it may be that all that should be expected of an assignment like Ponce Channel 7 is that the station will be licensed to the smaller city, will maintain an adequate studio in and originate at least a fairly substantial amount of regular programming from it (geared to its needs and interests), and will put a predicted principal-city signal over it even though there are some shadowing problems (with the latter problems to be mitigated by translators). We reach no conclusions; comments on these matters are invited.

27. As to the second question—the consequences of reassignment of the channel, interms of opening it up to other applicants—the prevailing view at least for several years has been that a formal reassignment does have this effect. At least two U.S. Court of Appeals (D.C.) decisions have so indicated, though neither involved a square holding. See Community Telecasting Co. v. FCC, 255 F. 2d 891 (1958) and Louisiana Television Corp. v. FCC, 347 F. 2d 803 (1965), in which the Court appeared to extend this principle to de facto, as well as formal, reallocations. Nevertheless, neither of these was a square holding on the point, and in one early case the Commission did not follow this concept (Muskogee-Tulsa, Oklahoma, 15 R.R. 1720 (1957)). Therefore, comments upon this matter are invited, in light of both legal requirements and general public-interest policy and fairness considerations. However, we know of no reason at this time why the viewpoint set forth in the two court cases cited does not apply, at least to a formal reallocation.

SUBJECTS ON WHICH COMMENTS ARE INVITED

28. In light of the matters discussed above, comments are invited on the following matters.

(a) Whether Channel 7, now assigned in § 73.606(a) of the Rules to Ponce, P.R., should be re-designated a "Ponce-San Juan" assignment by amending the Table of Television Assignments in § 73.606(a) accordingly. This is the only rule-making proposal in this proceeding. Such action will be considered in light of the matters referred to above, comments filed in response to specific questions in this paragraph, below, and other matters pertinent to Commission decisions in television channel assignment proceedings.

(b) Whether a statement of policy can or should be issued concerning equality of access to the San Juan market (facilities and transmitter location) by Puerto Rican stations, particularly those which originate substantial amounts of programming, and concerning applications to move transmitter site to improve such access, like that by Ponce Television Corporation in 1971 (BPCT–4421) involving a proposal to move to a location closer to San Juan than to Ponce.[9] This statement, if issued, would be an attempt to indicate what weight will be attached to various considerations discussed above and in this paragraph below, if an application containing such a transmitter-move proposal is filed. The Appendix, WRIK–TV's proposed policy statement, is set forth to show the kind of material such a statement might contain, although it is not proposed for adoption as such:

(c) In connection with either a formal reassignment of the channel, or a possible "statement of policy", what significance should be attached to the following matters, in light of past Commission decisions, general Commission policies, and the facts of this case including the economic situation and prospects of WRIK–TV:

(1) Provision of generally equal facilities, in terms of quality of signal to the San Juan area, for the originating stations of the four existing Puerto Rican television broadcast "systems", and for any other VHF or UHF stations which

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[12] Some of the Commission rule-making decisions involving formal reassignment of channels have turned on "UHF impact" in terms of potential development only. However, most, if not all, of the cases involving transmitter moves rather than new assignments have involved injury to an authorized UHF station.

[13] To the extent this concept may be determinative here, the question of course is what weight should be attached to the concept of equality among the four Puerto Rican television "systems". There are both similarities and differences between this question and the concept of equality among the three mainland networks, which may work both ways—for example, the question of whether these really are "networks," since they involve only two regular stations at most, and one of these serves the bulk of the population covered; and, on the other hand, the fact that there is involved here the matter of equality of access by the "flagship station", which has not arisen in the case of U.S. networks because all three have comparable access with respect to what could be considered their "flagship" stations (New York, Los Angeles and Chicago). "Network equality" in the U.S. television situations has involved access to smaller markets, such as those mentioned above.

[14] In terms of predicted Grade A coverage as as shown in the contour maps attached to the petition, the losses might not be crucial. WSUR, the Ponce satellite, provides all of the island with a predicted Grade A signal, the two San Juan stations so cover roughly 75% of it, and Stations WOLE–TV, Aguadilla, and WORA–TV, Mayaguez, both cover much of the Western area not reached by the San Juan stations. It appears that the move might result in reduction of a very small area in the central West to one Grade A signal, and more substantial areas in the Northwest and central West to two Grade A signals (WSUR and either WORA–TV or WOLE–TV). However, in view of the rugged terrain involved, depiction of predicted contours is not necessarily the complete answer.

[9] Parties may wish to comment on the situation of Station WSTE–TV, Fajardo, P.R. (authorized but never operating) in this respect.

originate substantial amounts of programming.

(2) The effect of the kind of site change proposed by WRIK–TV on the development of UHF in Puerto Rico, including the station recently applied for in San Juan, other authorized stations in Puerto Rico, and future UHF development in Puerto Rio generally.

(3) The extent to which such a transmitter move may be necessary to insure the survival of WRIK–TV and of the station (WORA–TV, Mayaguez) which rebroadcasts much of its programming.

(4) Whatever gains or losses in television service to areas and populations would result from such a transmitter move.

(5) "Shadowing" which may exist over Ponce from the proposed location, in relation to the requirements of § 73.658(a) and (b).

(d) Whether a transmitter move such as that proposed should be regarded in any significant sense as a "de facto reallocation" of the channel involved, bearing in mind the transmitter location closer to the larger city and likely provision of a better signal to it than to Ponce, the maintenance of studios in San Juan at least as well-equipped and elaborate as those in Ponce, and the origination of the bulk of the programming from San Juan but more than half of the non-entertainment programming from Ponce.

(e) Whether a reassignment of the channel, either the formal reassignment as proposed in (a) above (together with steps by the licensee to move toward San Juan), or a "de facto reallocation" to the extent it may be involved, serves to open the channel to application for its use by other parties either in Ponce or in San Juan.

29. Authority for the institution of this proceeding is found in §§ 4(i) and (j), 303 (d), (f), (g), (h), (i) and (r), 307(b), and 403 of the Communications Act of 1934, as amended.

30. Pursuant to applicable procedures set out in § 1.415 of the Commission's Rules, interested persons may file comments on or before April 22, 1974 and reply comments on or before May 3, 1974. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

31. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: March 13, 1974.

Released: March 20, 1974.

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

APPENDIX

TEXT OF POLICY DECLARATION REQUESTED BY PONCE TELEVISION CORPORATION [1]

(a) Puerto Rico has been compelled by circumstances, linguistic and economic in nature, to develop for itself a microcosm of mainland networks.

(b) Four broadcasting systems operating in Puerto Rico compete with each other on an island-wide basis in the same manner as the three television networks on the mainland compete on a nationwide basis.

(c) The Commission will give high priority to the maintenance and encouragement of island-wide competition. The competitive disadvantage of one island-wide network or system has adverse island-wide effects on the public interest. Without such island-wide systems, with equivalent access to San Juan, the viability of non-San Juan outlets for local expression will be critically impaired if not destroyed.

(d) Equal facilities for the flagship stations of island-wide systems or networks is a matter of high importance not to be cast aside without very strong countervailing reasons.

[FR Doc.74–6801 Filed 3–22–74;8:45 am]

## [ 47 CFR Part 76 ]

[Docket No. 18891; FCC 74–263]

## DIVERSIFICATION OF CONTROL OF CABLE TELEVISION

### Memorandum Opinion and Order Extending Time

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rule making and/or legislative proposals.

1. On June 24, 1970, the Commission adopted its notice of proposed rule making and of inquiry (Docket No. 18891), 35 FR 11042, 23 FCC 2d 833. There the Commission proposed to deal with several matters concerning diversification of control of cable television. One of the matters was whether the Commission should enact a rule prohibiting daily newspapers from owning local cable television systems. In paragraph 4 of the notice, the Commission stated that in view of the fact that the question of cross-ownership of newspapers and local broadcast stations is under study in Docket No. 18110, the newspaper/cable portion of Docket No. 18891 will be considered at the same time as Docket No. 18110.

2. The deadline for filing comments in the newspaper/cable cross-ownership phase of Docket No. 18891 was in May 1971; the deadline for reply comments was in August 1971. As we stated in paragraph 11, Memorandum Opinion and Order in Docket No. 18110, FCC 74–222, FCC 2d (Released March 7, 1974), although there are issues in common with certain of the questions pending in Docket 18110, there are enough unique considerations in the newspaper/cable proposal and other non-newspaper questions in Docket No. 18110 so that we will not totally consolidate these pending matters. On the other hand, there are enough common factors to warrant our consideration and final resolution of these issues at approximately the same time.

3. Although we are not now scheduling oral argument on the newspaper/cable matter, we believe it appropriate, in view of the time and the changes that have taken place in the industry since this proceeding was commenced, to reopen the docket for the filing of supplemental or new comments by all interested persons. All such comments should be filed by May 15, 1974. If deemed necessary, oral argument will be scheduled at a later date.

Adopted: March 13, 1974.

Released: March 18, 1974.

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

[FR Doc.74–6798 Filed 3–22–74;8:45 am]

[1] The text of the requested statement is set forth for information only.

## FEDERAL MARITIME COMMISSION

## [ 46 CFR Part 502 ]

[Docket No. 74–11]

## RULES OF PRACTICE AND PROCEDURE

### Proposed Miscellaneous Amendments

The Commission has become concerned with the amount of time required to conduct formal proceedings before it. In an effort to expedite such proceedings, the Commission proposes to revise certain of the procedural rules and regulations under which they are conducted.

The principal thrust of the amendments proposed herein is to make discovery procedures more orderly and less time consuming. The Commission's present rules relating to discovery procedures were promulgated in September 1968 pursuant to Pub. L. 90–177, which amended section 27 of the Shipping Act, 1916. That law furthermore provided that such rules "shall, to the extent practicable, be in conformity with the rules applicable in civil proceedings in the district courts of the United States."

The basic purpose of the rules was to streamline and expedite proceedings before the Commission. Since the rules would enable litigants to obtain facts and documentary materials in advance of the hearing, it was believed that the parties would be better prepared for trial, that surprise would be avoided, and that consequently there would be little or no need to grant time-consuming continuances once the hearing had begun. These are also the purposes of the Federal Rules of Civil Procedure, after which the Commission rules are, to the extent practicable, required to be patterned.

Despite these good intentions, however, the Commission's present discovery rules have frequently failed to succeed in their basic objective for several reasons. Litigating parties often fail to utilize the procedures established by the rules expeditiously and the rules themselves do

not generally impose specific time limitations especially with regard to commencement of discovery procedures and filing of motions to compel answers or applications for enforcement of discovery-related orders of the Commission or of the presiding officer. Furthermore, the Commission's rules have not been revised so as to conform to the present Federal Rules of Civil Procedure which were amended significantly in 1970 in order to promote greater expedition and efficiency in their use.

The following proposed revisions to the Commission's discovery rules are designed to follow the 1970 amendments to the Federal rules where practicable. Thus, the requirement in Rules 12(a), (f), and (h) that parties must wait 20 days or 10 days after commencement of the proceeding before serving interrogatories or requests for admission without leave of the Commission has been eliminated. Rules 12(f), 12(g), and 12(h) relating to interrogatories, motions for production, and requests for admission have been revised so as to conform generally to revised Federal Rules 33, 34, and 36. Federal Rule 33 no longer requires parties to answer interrogatories within 15 days or object within 10 days with a notice for hearing on the objections. Instead, a period of 30 days is generally prescribed for the filing of answers or objections and the party seeking to overcome objections must file a motion to compel answers. Federal Rule 34 eliminates the requirement that a party file a motion for production showing "good cause." Instead he may serve a request on any other party and, in case of objections, file a formal motion for an order compelling disclosure. Federal Rule 36 regarding requests for admissions has been similarly revised.

Other provisions in Federal Rule 33 have been incorporated in Commission Rule 12(f) relating to the scope of interrogatories and the option to produce business records. In the former case, the revision makes clear that an interrogatory may inquire as to opinions or contentions, even if involving the application of law to fact. In the latter case, an answering party may choose to allow the interrogating party to undertake the burden of researching answers by granting access to records containing pertinent material.

Certain provisions in revised Federal Rule 37(b) relating to sanctions for failure to comply with discovery-related orders have been incorporated in Commission Rules 12(j) and 12(k). These relate to adverse rulings which a party may suffer who refuses to comply with such orders. The Commission's rules presently provide no specific sanctions for failure to comply and leave the affected party no alternative but to seek ultimate enforcement in the courts.

In certain Federal district courts, the practice is to require counsel to meet informally in an effort to resolve discovery-related issues before seeking formal rulings from the presiding judge. See, e.g., U.S. District Court, Central District of California, Rule 3(l); U.S. District Court, Southern District, New York, Rule 9(f). These rules encourage counsel to resolve issues informally, thus saving both the court and the parties the time and expense of engaging in formal court proceedings. Provisions establishing this practice have been incorporated in Commission Rules 12(f) and 12(g) relating to interrogatories and requests for production.

New provisions have been incorporated in certain rules imposing specific time limitations in order to insure that parties intending to utilize discovery procedures will do so expeditiously and will pursue the matters to conclusion, including prompt application to the Commission or the courts for enforcement of orders compelling answers or production. Special provisions are applicable to interveners in order to avoid undue delay which may result if late-appearing interveners wish to commence discovery procedures. These provisions are contained in rules 12(a) (general), 12(d) and 12(e) (depositions), 12(f) (interrogatories), 12(g) (production), 12(h) (requests for admission), Rules 5(l) (interventions), 12(j) (enforcement of orders), and 12(k) (enforcement orders).

In addition to the revisions to Rules 12(j) and 12(k) discussed above which relate to sanctions in cases of noncompliance with orders of the Commission or the presiding officer and imposition of time limitations on parties seeking enforcement of such orders, these particular rules have been revised in order to clarify the procedures for enforcement. Rule 12(k) has also been amended so as to delete reference to persons, documents, or other things located in the United States, which matters are covered in Rule 12(j).

In addition, provision has been made for setting a specified hearing date in proceedings referred to the Office of Administrative Law Judges.

It is also proposed to amend Subpart K, Shortened Procedure, and Subparts S and T, Informal and Formal Procedures for Adjudication of Small Claims to reduce the number of filings and the amount of time required to conduct proceedings under such procedures.

Finally, a new § 502.243 is proposed to be added to specify the conditions under which oral argument will be granted and to clarify the position of an individual Commissioner who is not present at oral argument.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), 46 CFR Part 502 is proposed to be amended as set forth below.

1. Section 502.61 is proposed to be amended by the addition of the following sentence:

**§ 502.61 Proceedings.**

* * * * *

In proceedings referred to the Office of Administrative Law Judges, the Commission shall specify a date on or before which hearing shall commence, which date shall be no more than six months from date of service of the order or complaint. Hearing dates may be deferred by the presiding judge only upon a showing of extraordinary good cause.

2. Section 502.72 is proposed to be amended by redesignating the current text as paragraph (a) and adding a new paragraph (b) as follows:

**§ 502.72 Petition for intervention.**

* * * * *

(b) Any intervener desiring to utilize the procedures provided by Subpart L must commence doing so no later than 10 days after his petition for leave to intervene has been granted. If the petition is filed later than 20 days after the date of service of the Commission's order instituting the procedings or the date of service of the complaint, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 20-day period; provided, however, the use of Subpart L procedures by an intervener whose petition was filed beyond the 20-day period described above will in no event be allowed if, in the opinion of the presiding officer, such use will result in delaying the proceeding unduly.

3. Sections 502.182, 502.183, and 502.184 are proposed to be revised as follows:

**§ 502.182 Complaint and memorandum of facts and arguments.**

A complaint filed with the Commission under this subpart shall have attached a memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments separately stated, upon which it relies. The original of each complaint with memorandum shall be accompanied by copies for the Commission's use [Rule 11(b)].

**§ 502.183 Respondent's answering memorandum.**

Within twenty-five (25) days after date of service of the complaint, unless a shorter period is fixed, each respondent shall, if he consents to the shortened procedure provided in this subpart, serve upon complainant an answering memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments, separately stated, upon which it relies. The original of the answering memorandum shall be accompanied by a certificate of service as provided in § 502.114 of this part and shall be accompanied by copies for the Commission's use. If the respondent does not consent to the proceeding being conducted under the shortened procedure provided in this subpart, the matter will be governed by Subpart E of this part (Rule 5) and the respondent shall file an answer under § 502.64 [Rule 11(c)].

**§ 502.184 Complainant's memorandum in reply.**

Within fifteen (15) days after the date of service of the answering memorandum prescribed in § 502.183, unless a shorter period is fixed, each complainant may file a memorandum in reply, subscribed and verified according to § 502.112 (Rule 8

(b)), served as provided in § 502.114 of this part, and accompanied by copies for the Commission's use. This will close the record for decision unless otherwise determined by the Presiding Officer [Rule 11(d)].

4. Section 502.201 is proposed to be amended by deleting the second sentence of paragraph (b)(1) and revising the first sentence of paragraph (b)(2).

**§ 502.201 General.**

* * * * *

(b) * * *

(2) Unless otherwise ordered by the presiding officer for good cause shown, the use of the procedures set forth in this subpart shall be completed prior to hearing and shall be commenced no later than 20 days after the date of service of the Commission's order instituting the proceeding or the date of service of the complaint, or, if the particular discovery is in the nature of a new phase of discovery generated by answers or information obtained through earlier discovery procedures, within 15 days after such answers have been served or such information obtained. Interveners desiring to use any such procedures must comply with the applicable provisions of § 502.72. * * *

* * * * *

5. Section 502.204 is proposed to be amended by addition of the following new paragraph (h):

**§ 502.204 Depositions upon oral examination.**

* * * * *

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

6. Section 502.205 is proposed to be amended by addition of the following new paragraph (e):

**§ 502.205 Depositions of witnesses upon written interrogatories.**

* * * * *

(e) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

7. Section 502.206(a) is proposed to be amended by deleting the present text following the first sentence and substituting the language set forth below. Paragraph (b) would be amended by inserting the sentence set forth below after the present first sentence. Paragraph (c) would be added as set forth below.

**§ 502.206 Interrogatories to parties.**

(a) * * * Any party desiring to serve interrogatories as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

(1) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, on the party submitting the interrogatories within 30 days after the service of the interrogatories, unless the presiding officer for good cause shown, enlarges or shortens the time. The party submitting the interrogatories may move for an order under § 502.210 or § 502.211 with respect to any objection or to other failure to answer an interrogatory. Unless otherwise ordered by the presiding officer for good cause shown, such a motion shall be filed no later than 15 days after date of service of the answers or objections. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to the particular answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. No motion described in this paragraph will be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

(b) * * * An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time. * * *

(c) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

8. Section 502.207 is proposed to be revised to read as follows:

**§ 502.207 Production of documents and things and entry upon land for inspection and other purposes.**

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 502.201 and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 502.201.

(b) *Procedure.* The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within 30 days after the service of the request. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested. Oral argument on responses or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings.

(c) *Time and procedural requirements.* Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2). Any party submitting a request who desires to move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request must file an appropriate motion within 15 days after date of service of the written response. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to objection to or other failure to respond to the request. Such motion will not be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such an agreement. If part of the issues raised

by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

9. Section 502.208 is proposed to be revised to read as follows:

**§ 502.208 Requests for admission.**

(a) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of § 502.201(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

(i) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of § 502.208(c) deny the matter or set forth reasons why he cannot admit or deny it.

(ii) The party who has requested the admissions may move to determine the sufficiency of the answers or objections provided that he files an appropriate motion within 15 days after date of service of such answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. Unless the presiding officer determines that an objection is justified, he shall order that an answer be served. If the presiding officer determines that an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *Expenses on failure to admit.* If a party fails to admit the genuineness of any document or the truth of any matter as requested under § 502.208(a), and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the presiding officer for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The presiding officer shall make the order unless he finds that (1) the request was held objectionable pursuant to § 502.208(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit [Rule 12(h)].

10. Section 502.210 is proposed to be amended by adding the following sentence at the end of paragraph (a), revising paragraph (b), and adding paragraph (c) as follows:

**§ 502.210 Refusal to make discovery: consequences.**

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in § 502.206, § 502.207, and § 502.208 where applicable. With respect to depositions, unless otherwise ordered by the presiding officer for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* If a party or an officer or duly authorized agent of a party refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions or to produce any document or other thing for inspection, copying or photographing or to permit it to be done, the presiding officer may make such orders in regard to the refusal as are just, and among others the following:

(1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(c) *Enforcement of orders.* In the event of refusal to obey an order made under paragraph (a) of this section the affected party or the Commission may apply for enforcement to a district court having jurisdiction of the parties, provided that the affected party seeks court enforcement within 15 days of the date of refusal to obey the order in question. The presiding officer may direct the affected party to seek such enforcement of an order relating to persons, documents, or other things located in the United States. Failure to seek enforcement in timely fashion will result in a waiver of the affected party's rights to enforcement of the subject order.

11. Section 502.211 is proposed to be amended by revising the last sentence of paragraph (a), and revising paragraphs (b) and (c) to read as follows:

**§ 502.211 Witnesses and evidence located in a foreign country.**

* * * * *

(a) * * * Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in Sections 502.206, 502.207 and 502.208 where applicable. With respect to depositions, unless otherwise ordered by the Commission for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* In the event of refusal to obey an order of the Commission described in paragraph (a), the Commission may make such orders or take such actions in regard to the refusal as are just, including the specific sanctions provided in § 502.210(b).

(c) *Enforcement orders.* Application to a district court for enforcement of an order which relates to persons, documents, or other things located in a foreign country, shall be made by the Commission. In the event of refusal to obey an order of the Commission described in paragraph (a) the affected party may request the Commission to seek court enforcement provided that such request is filed with the Commission within 15 days of the date of refusal to obey the order in question. Failure of the affected party to file a timely request with the Commission will result in a waiver of the affected party's rights to enforcement of the subject order. The presiding officer may direct the affected party to file such request with the Commission.

12. A new section 502.243 is proposed to be added as follows:

§ 502.243 **Granting of oral argument.**

Oral argument shall not be granted unless at least two Commissioners specify that they desire the parties to present further argument on particular points or furnish answers to particular questions. Where practicable, the notice of oral argument shall direct the parties to address themselves to such points or questions.

13. A new section 502.244 is proposed to be added as follows:

§ 502.244 **Participation of absent commissioner.**

Any commissioner who is not present at oral argument and who is otherwise authorized to participate in a decision shall participate in making that decision after reading the transcript of oral argument unless he files in writing an election not to participate.

14. In section 502.304, paragraphs (d), (e), (f) and (g) are proposed to be revised as follows:

§ 502.304 **Procedures.**

* * * * *

(d) A copy of each claim filed under this subpart, with attachments, shall be served by the Settlement Officer on the carrier involved.

(e) Within twenty-five (25) days from the date of service of the claim, the carrier shall file with the Commission its response to the claim, together with an indication as to whether the informal procedure provided in this subpart is consented to. Failure of the carrier to indicate refusal or consent in its response will be conclusively deemed to indicate such consent. The response shall consist of documents, arguments, legal authorities, or precedents, or any other matters considered by the carrier to be a defense to the claim. The Settlement Officer may request the carrier to furnish such further documents or information as he deems necessary, or he may require the claimant to reply to the defenses raised by the carrier.

(f) If the carrier refuses to consent to the claim being informally adjudicated pursuant to this subpart, the claim will be considered a complaint under section 502.311 and will be adjudicated under Subpart T.

(g) Both parties shall promptly be served with the Settlement Officer's decision which shall state the basis upon which the decison was made. This decision shall be final, unless, within fifteen (15) days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

15. Section 502.312 is proposed to be revised to read as follows:

§ 502.312 **Answer to complaint.**

The carrier shall file with the Commission an answer within 25 days of service of the complaint and shall serve a copy of said answer upon complainant. The answer shall admit or deny each matter set forth in the complaint. Matters not specifically denied will be deemed admitted. Where matters are urged in defense, the answer shall be accompanied by appropriate affidavits, other documents, and memoranda.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 3, 1974 an original and 15 copies of their views or arguments pertaining to the proposed rules.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-6860 Filed 3-22-74;8:45 am]

## SMALL BUSINESS ADMINISTRATION

### [ 13 CFR Part 121 ]

### SIZE STANDARDS DIFFERENTIALS

### Proposed Change in Application

Section 121.3-7(b)(1) of 13 CFR Part 121 provides a 25 percent size standards differential for the purpose of assistance under section 7(a) of the Small Business Act (Act). Further, § 121.3-7(b)(2) of the regulation provides a 25 percent differential for concerns receiving financial assistance from a small business investment company or from a development company in connection with a loan under section 501 or 502 of the Small Business Investment Act of 1958, as amended. However, there is no provision for application of a differential for the purpose of assistance under section 7(b) of the Act.

The Small Business Administration has concluded that, in addition to the financial assistance programs for which the differential now is applicable, it should, in the interest of consistency, be made applicable to financial assistance under section 7(b).

Accordingly, it is proposed to revise § 121.3-7(b)(1) of 13 CFR Part 121 to read as follows:

§ 121.3-7 **Differentials.**

* * * * *

(b) * * *

(1) *Assistance under sections 7(a) and 7(b) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 7(b) of the Act are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area as defined in § 121.3-2 (d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

Interested parties may file with the Small Business Administration on or before April 9, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director
Office of Industry Studies and Size Standards
Small Business Administration
1441 L Street N.W.
Washington, D.C. 20416

Dated: March 14, 1974.

THOMAS S. KLEPPE,
*Administrator.*

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; 59.010, Product Disaster loans; and 59.014, Coal Mine Health and Safety Loans.)

[FR Doc.74-6738 Filed 3-22-74;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 THE TREASURY

### Office of the Secretary

### NON-POWERED HAND TOOLS FROM JAPAN

### Withholding of Appraisement

Information was received on August 20, 1973, that non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 25, 1973, on page 26738. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) and the exporter's sales price (section 204 of the Act; 19 U.S.C. 163), of non-powered hand tools from Japan are less, or are likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

*Statement of reasons.* The information currently before the U.S. Customs Service tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes. Also, indications are that sales by certain manufacturers to the United States are to a related party. Accordingly, the probable basis of comparison will be between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of either an ex-godown port of lading, Japan, unit price to the United States or a c.i.f. unit price to the United States, as appropriate, with deductions for inland freight, where the price was ex-godown port of lading, Japan, and with deductions for inland freight, ocean freight, insurance and brokerage charges, where the price was c.i.f. U.S. port of destination. Adjustments will probably be made for differences in packing costs, in the merchandise compared and in the applicable rate of currency exchange, where appropriate.

Exporter's sales price will probably be calculated by deducting from the resale price to unrelated purchasers in the United States, U.S. duties, brokerage fees, freight charges, insurance, commissions, and selling expenses, as appropriate.

Home market price will probably be calculated on the basis of a weighted-average delivered price, with a deduction for inland freight. Adjustments will probably be made for differences in the merchandise compared, interest, advertising costs, and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price, as appropriate, will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of non-powered hand tools from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW, Washington, D.C. 20229, in time to be received by his office not later than April 4, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than April 24, 1974.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective March 25, 1974. It shall cease to be effective September 25, 1974, unless previously revoked.

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

MARCH 21, 1974.

[FR Doc.74-6958 Filed 3-22-74;9:25 am]

## DEPARTMENT OF DEFENSE

### Department of the Navy

### ACADEMIC ADVISORY BOARD, U.S. NAVAL ACADEMY

### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [Pub. L. 92-463 (1972)], notice is hereby given that the Academic Advisory Board, United States Naval Academy, will have a meeting from 8:00 a.m. to 11:30 a.m. on April 1, 1974, at the United States Naval Academy, Annapolis, Maryland.

The purpose of this meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen.

Dated: March 18, 1974.

H. B. ROBERTSON, Jr.,
*Rear Admiral, JAGC, U.S. Navy,*
*Acting Judge Advocate General.*

[FR Doc.74-6739 Filed 3-22-74;8:45 am]

## DEPARTMENT OF THE INTERIOR

### Office of Hearings and Appeals

[Docket No. M 74-62]

### CAROLINA MINING INC.

### Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Carolina Mining Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

"Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing man-hours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs

would be posted where the guardrails or berms are required.

(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

MARCH 13, 1974.

[FR Doc.74-6742 Filed 3-22-74;8:45 am]

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[Docket No. M 74-65]

## FORD COAL CO.

### Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Ford Coal Company has filed a petition to modify the application of 30 CFR 75.313 to its Mine No. 1.

Section 75.313 of 30 CFR reads in pertinent part as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after March 30, 1970, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under §§ 75.500, 75.501, and 75.504. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. * * *

In support of its petition Petitioner states:

(1) Petitioner seeks a waiver of the mandatory safety standard as it applies to Petitioner's Jeffrey 100-L Continuous Miner (hereinafter, "miner").

(2) The miner in question is nine years old, and the life expectancy of the subject mine is nine months.

(3) The miner has been operating in the same seam of coal for approximately five years. During this period, no methane has been detected.

(4) The area in which the miner operates is tested for methane every twenty minutes when the miner is being used.

(5) The seam in which the miner operates is approximately 200 feet above the water table level.

(6) The miner will not be used after the present seam is discontinued.

(7) The miner is considered to be in permissible condition, and the operation of the miner without a methane monitor will provide the same amount of protection as afforded by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

MARCH 15, 1974.

[FR Doc.74-6740 Filed 3-22-74;8:45 am]

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[Docket No. M 74-63]

## NEW CON COALS INC.

### Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), New Con Coals Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing manhours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs would be posted where the guardrails or berms are required.

(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director, Office of Hearings and Appeals.*

MARCH 13, 1974.

[FR Doc.74-6743 Filed 3-22-74;8:45 am]

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[Docket No. M 74-61]

## TARHEEL COALS INC.

### Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Tarheel Coals Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

"Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing manhours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs would be posted where the guardrails or berms are required.

(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U. S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
*Director,*
*Office of Hearings and Appeals.*

MARCH 13, 1974.

[FR Doc.74-6741 Filed 3-22-74;8:45 am]

## Bureau of Land Management

[INT FES 74-14]

### OUTER CONTINENTAL SHELF OFFSHORE TEXAS

#### Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 245 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Texas.

Single copies of the final environmental statement can be obtained from the Office of the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the final environmental statement will also be available for public review in the main public libraries in the following cities: Port Arthur, Freeport, Houston, and Galveston, Texas.

CURT BERKLUND,
*Director.*

MARCH 22, 1974.

Approved:
WILLIAM W. LYONS,
*Deputy Under Secretary of the Interior.*

[FR Doc.74-6989 Filed 3-22-74;11:42 am]

# DEPARTMENT OF AGRICULTURE

## Farmers Home Administration

[Designation No. A038]

### IOWA

#### Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Calhoun County, Iowa.

The Secretary has found that this need exists as a result of a natural disaster consisting of hailstorms June 26; July 1, 8, and 18; and August 16, 1973; and a windstorm and heavy rains September 21, 1973.

Therefore, the Secretary has designated this area as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department prior to April 26, 1974, for physical losses and prior to November 26, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of March, 1974.

FRANK B. ELLIOTT,
*Administrator,*
*Farmers Home Administration.*

[FR Doc.74-6774 Filed 3-22-74;8:45 am]

## Forest Service

### GREEN MOUNTAIN NATIONAL FOREST; TIMBER MANAGEMENT PLAN

#### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Green Mountain National Forest, USDA-FS-R9-FES-(Adm)-74-6.

The environmental statement concerns the implementation of the Green Mountain National Forest Timber Management Plan, which establishes an allowable harvest of 10.8 million board feet, and 7,000 cords per year for the two-year plan period FY '75-'76. The portion of the Green Mountain National Forest covered by this plan is wholly contained within the State of Vermont and includes portions of Addison, Bennington, Rutland, Washington, Windham and Windsor Counties.

This final environmental statement was filed with CEQ on March 18, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250
USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
USDA, Forest Service
Green Mountain National Forest
Federal Building
151 West Street
Rutland, Vermont 05701

A limited number of single copies are available upon request to Forest Supervisor, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, Vermont 05701.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

JAY H. CRAVENS,
*Regional Forester,*
*Eastern Region.*

[FR Doc.74-6757 Filed 3-22-74;8:45 am]

## Office of the Secretary

### ADVISORY COMMITTEE ON FOREIGN ANIMAL AND POULTRY DISEASES

#### Meeting

A meeting of the Advisory Committee on Foreign Animal and Poultry Diseases will be held at 8:30 a.m., on April 2, 1974, in the Emergency Programs Information Center on the 7th Floor of the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of the committee is to advise the Secretary of Agriculture regarding program operations or measures to prevent, suppress, control, or eradicate an outbreak of foot-and-mouth disease (FMD) or other destructive foreign animal and poultry diseases in the event such diseases should enter this country.

The purpose of the meeting is to review present criteria for determining if an area which is a territory of a FMD infected country, but which is geographically removed, can be considered as having a disease status different than the parent country.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, United States Department of Agriculture, Room 316E., Washington, D.C. 20250, telephone number (202) 447-3668.

Dated: March 20, 1974.

F. J. MULHERN,
*Vice Chairman.*

[FR Doc.74-6812 Filed 3-22-74;8:45 am]

## Packers and Stockyards Administration

### WELD COUNTY LIVESTOCK COMMISSION CO. ET AL.

#### Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being

subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

*Facility No., name, and location of stockyard, date of posting*

CO—123 Weld County Livestock Commission Company, Greeley, Colo., May 23, 1957.
GA–142 Georgia Livestock Market, Inc., Macon, Georgia, January 18, 1938.
GA–177 Longhorn Livestock Auction, Inc., Poulan, Georgia, May 1, 1973.
IN–117 Indianapolis Stockyards Corporation, Indianapolis, Indiana, November 1, 1921.
MN–137 Pine City Livestock Sales, Pine City, Minnesota, October 14, 1959.
NB–155 Minden Livestock Sales Co., Inc., Minden, Nebraska, February 1, 1950.
OH–110 Union Stock Yards, Cleveland, Ohio, November 1, 1921.
PA–122 Jamestown Livestock Commission Market, Jamestown, Pennsylvania, December 10, 1959.
SC–114 Clarendon Auction Sales, Inc., Manning, South Carolina, August 15, 1960.
WA–100 Auburn Livestock, Inc., Auburn, Washington, October 16, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective March 25, 1974.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*).

Done at Washington, D.C., this 19th day of March, 1974.

EDWARD L. THOMPSON,
*Chief Registrations, Bonds, and Reports Branch Livestock Marketing Division.*

[FR Doc.74–6772 Filed 3–22–74;8:45 am]

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## Rural Electrification Administration

### TRI-STATE GENERATION AND TRANSMISSION, INC.

### Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Tri-State Generation and Transmission Association, Inc., P.O. Box 29198, Denver, Colorado 80229. This loan includes financing for the construction of 8.2 miles of 115 kV transmission line from Longmont Northeast Substation to Del Camino Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 19th day of March 1974.

GEORGE P. HERZOG,
*Acting Administrator, Rural Electrification Administration.*

[FR Doc.74–6813 Filed 3–22–74;8:45 am]

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## DEPARTMENT OF COMMERCE

[File No. 22(71)–6]

### WOLFGANG G. PRENOSIL, ET AL.

### Order Denying Export Privileges for an Indefinite Period

In the matter of Wolfgang G. Prenosil, Apexa Deutschland G.m.b.H., and Bauteile fuer Elektronik (Apexa), Egerstrasse 2, 6200 Wiesbaden, Federal Republic of Germany (FRG), (Respondents).

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, US Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.6 of the export regulations issued under the Export Administration Act.

The application for an indefinite denial order was referred to the Acting Hearing Commissioner, Bureau of East-West Trade, who after considering the evidence has recommended that the application be granted. The report of the Acting Hearing Commissioner and the evidence supporting the application have been considered.

The evidence presented shows that respondent Prenosil a naturalized U.S. citizen, is and has been engaged in the business of importing and exporting and otherwise dealing in electronic equipment. At one time, Prenosil controlled and operated North American Enterprises, Inc., a corporation engaged in the export business in California, but now defunct. At the same time, Prenosil also managed, and his wife and minor children purportedly owned, Apexa Deutschland GmbH, otherwise called Bauteile fuer Elektronik (Apexa), an export-import firm engaged in business in Wiesbaden, F.R.G., and they still do manage and own said firm.

The evidence further shows that the Compliance Division is conducting an investigation into the disposition by Prenosil and Apexa of certain US origin electronic equipment of a strategic nature which they obtained from the US through North American Enterprises, Inc., and other US firms.

It is impracticable to subpoena the respondents in West Germany. Accordingly, relevant and material interrogatories and a request to furnish certain specified documents relating to the transactions in question were served on respondents pursuant to § 388.6 of the export regulations. Said respondents have refused to answer said interrogatories and to furnish the requested documents, claiming that to do so would subject them to liability under four cited laws of the F.R.G. These laws having been examined by competent legal authorities, who deem them not to bar respondents from complying; and respondents having therefore been given further opportunity to answer the interrogatories and to furnish the documents; and respondents having again refused to do so; it is hereby determined that respondents have not shown good cause for their refusal. I therefore find that an order denying all US export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and regulations.

*Accordingly, it is hereby ordered*

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the US or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person,

firm, corporation, or business organization with which they or either of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents, in response to the interrogatories heretofore served upon them, or give adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on March 27, 1974.

Dated: March 27, 1974.

RAUER H. MEYER,
*Director, Office of Export Administration.*

[FR Doc.74-6806 Filed 3-22-74;8:45 am]

[Case No. 459]

## ALFRED P. GREENUP

### Order Denying Export Privileges

On October 29, 1973, the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, issued a charging letter against the above-named respondent, alleging violation of the regulations issued under the Export Administration Act of 1969, as amended. The charging letter was duly served, but the respondent did not answer or request an oral hearing. Accordingly, respondent is hereby found and held in default, pursuant to § 388.4(a) of the regulations. The Acting Hearing Commissioner held an informal hearing on March 4, 1974, at which evidence bearing on the following charges was presented by the Compliance Division.

The charge was, in substance, that, in February 1971, respondent in effect sold and exported to a person and firm which he knew were then denied all US export privileges, 21 strategic US origin oscilloscopes, worth about $130,000, without US government authorization.

The Acting Hearing Commissioner, after considering the evidence, reported his findings of fact and conclusion that a violation had occurred and he recommended that the sanction hereinafter set forth be imposed.

After considering the evidence, I adopt the Acting Hearing Commissioner's findings of fact, as follows:

FINDINGS OF FACT

1. Respondent was at the time of the violation charged a salesman employed by a UK firm engaged in the business of manufacturing electronic scientific instruments and of selling its own and other firms' products in the UK and other countries.

2. In January 1971, respondent obtained an order for 21 oscilloscopes from Franz Eggeling, of Austria, and the latter's firm Memisco Anstalt, of Liechtenstein. At the time, respondent knew that Eggeling and Memisco were denied all US export privileges. In addition, respondent then knew that the oscilloscopes were the product of a US manufacturer and were subject to US export controls with respect to any movement of them from England.

3. Shortly after, the 21 oscilloscopes were delivered to respondent's employer. In March 1971, shortly before the oscilloscopes were to be turned over to Eggeling, respondent was questioned by officials of the US manufacturer of the oscilloscopes as to the intended destination and end use. Respondent then told the US firm's representatives that all the oscilloscopes were for use by his employer in its production and service of other electronic scientific equipment in its UK factory, and were not to be sold or exported from England.

4. Notwithstanding this representation, respondent then caused the 21 oscilloscopes to be moved from his employer's establishment to his own home in Manchester, and shortly thereafter he delivered them to Eggeling, who took them by truck to Dover, for export from England to an undisclosed destination.

5. Thereafter, the UK government brought proceedings against respondent for participating in the exportation of the 21 oscilloscopes from that country without its required export license. In September 1972, respondent was fined £3000 for this transgression of UK laws.

Based on the foregoing findings, I have concluded that respondent violated §§ 387.4 and 387.10 of the US export control regulations, in that, without prior disclosure of the facts to, and specific authorization from, the Office of Export Administration, he knowingly sold and delivered commodities subject to US export controls to a party denied the privileges of participating, directly or indirectly, in transactions involving such commodities.

Now, after considering the record in this case and the report and recommendations of the Acting Hearing Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair, just, and calculated to achieve effective enforcement of the law, it is

ORDERED

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. Respondent, for the duration of U.S. export controls, is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining, or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person,

firm, corporation, or other business organization, with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith, including but not limited to Greenup Scientific (International), Ltd., P.O. Box 9, 27 Maple Road, Manchester, England, a company of which respondent is director and controlling shareholder.

IV. During the time when the respondent or other parties within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other parties denied export privileges within the scope of this order, or whereby the respondent or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control documents relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other parties denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 25, 1974.

Dated: March 25, 1974.

RAUER H. MEYER,
*Director, Office of Export Administration.*

[FR Doc.74-6621 Filed 3-22-74;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

[NADA No. 4-173V]

### PITMAN-MOORE, INC.

### Amfetasul (Amphetamine Sulfate); Notice of Withdrawal of Approval of Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

New animal drug application No. 4-173V, held by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, provides for Amfetasul, containing 5 percent amphetamine sulfate, for injectable use in cattle, horses and dogs.

The application was reevaluated by the Food and Drug Administration. The applicant was advised that data were needed to establish the absence of unsafe residues in edible tissues of cattle treated with the drug according to label directions for use. The applicant subsequently advised the Food and Drug Administration that distribution of the drug has been discontinued and requested that approval of the application be withdrawn. The firm further stated that they do not wish to avail themselves of an opportunity for a hearing regarding withdrawal of approval of the subject application. Therefore, notice is given that approval of NADA No. 4-173V, including all amendments and supplements thereto, is hereby withdrawn.

*Effective date.* This notice shall be effective March 25, 1974.

DATED: March 18, 1974.

SAM D. FINE,
*Associate Commissioner for Compliance.*

[FR Doc.74-6756 Filed 3-22-74;8:45 am]

## National Institutes of Health

## DIVISION OF RESEARCH GRANTS

### Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given of meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Chief, Grants Inquiries Office of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Maryland 20014. Mr. Turlington's room number is 448, telephone area code 301-496-7441. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first meeting and closed thereafter in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and section 10(d) of P.L. 92-463, in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

| Study section | April meetings | Time | Location |
|---|---|---|---|
| | | *a.m.* | |
| Allergy and immunology: Dr. Mischa E. Friedman, room 320, telephone 496-7380. | 22-24 | 8:45 | Rockefeller University, Abby Aldrich Rockefeller Hall, New York, N.Y. |
| Applied physiology and bioengineering: Mrs. Ileen E. Stewart, room 318, telephone 496-7581. | 6-7 | 9:00 | Bellevue Stratford Hotel, Poor Richard Room, Philadelphia, Pa. |
| Bacteriology and mycology: Dr. Milton Gordon, room A-27, telephone 496-7340. | 18-20 | 8:30 | Connecticut Inn, room 212, Washington, D.C. |
| Biochemistry: Dr. William R. Sanslone, room 350, telephone 496-7516. | 26-28 | 9:00 | Building 31, room 2, Bethesda, Md. |
| Biomedical communications: Mrs. Ileen E. Stewart, room 318, telephone 496-7581. | 25-26 | 9:00 | Building 31, room 3, Bethesda, Md. |
| Biophysics and biophysical chemistry A: Dr. Irvin Fuhr, room 237, telephone 496-7060. | 26-27 | 9:00 | Shoreham Hotel, Executive Room, Washington, D.C. |
| | | *p.m.* | |
| Biophysics and biophysical chemistry B: Dr. John B. Wolff, room 233, telephone 496-7070. | 25-27 | 8:00 | Building 31, room 7, Bethesda, Md. |
| | | *a.m.* | |
| Cardiovascular and pulmonary: Dr. Wendell H. Kyle, room 339, telephone 496-7901. | 17-20 | 8:30 | Holiday Inn, Lobby Room, Chevy Chase, Md. |
| Cardiovascular and renal: Dr. Floyd O. Atchley, room 339, telephone 496-7901. | 24-27 | 9:00 | Holiday Inn, Hancock Room, Chevy Chase, Md. |
| Cell biology: Dr. Evelyn A. Horenstein, room 238, telephone 496-7020. | 18-20 | 9:00 | Holiday Inn, Franklin Room, Chevy Chase, Md. |
| Communicative sciences: Frederick J. Gutter, room 321, telephone 496-7550. | 17-19 | 9:00 | Holiday Inn, Connecticut Room, Bethesda, Md. |
| Computer and biomathematical sciences: Dr. Bernice S. Lipkin, room 310, telephone 496-7568. | 17-19 | 9:00 | Building 31, C-Wing, room 10, Bethesda, Md. |
| Dental: Dr. Ethel B. Jackson, room 234, telephone 496-7818. | 16-20 | 9:00 | Building 31, room 4, Bethesda, Md. |
| | | *p.m.* | |
| Developmental behavioral sciences: Dr. Bertie H. R. Woolf, room 236, telephone 496-7471. | 15, 18-20 | 3:00 | Holiday Inn, Bethesda, Md. |
| | | *a.m.* | |
| Endocrinology: Morris M. Graff, room 333, telephone 496-7346. | 22-25 | 9:00 | Sheraton Inn, Silver Spring, Md. |
| Epidemiology and disease control: Glenn G. Lamson, Jr., room 236, telephone 496-7471. | 16 | 8:30 | Building 31, room 7, Bethesda, Md. |
| | 17-19 | 8:30 | Holiday Inn, New Jersey Room Bethesda, Md. |
| Experimental psychology: Dr. A. Keith Murray, room 220, telephone 496-7004. | 9-12 | 9:30 | Shoreham Hotel, Board Room, Washington, D.C. |
| | | *p.m.* | |
| Experimental therapeutics: Dr. Anne R. Bourke, room 319, telephone 496-7839. | 10-13 | 4:00 | Building 31, C-Wing, room 6, Bethesda, Md. |
| | | *a.m.* | |
| General medicine A: Dr. Harold M. Davidson, room 354, telephone 496-7797. | 11-13 | 9:00 | Bellevue Stratford Hotel, Blue Room, Philadelphia, Pa. |
| General medicine B: Dr. William F. Davis, Jr., room 322, telephone 496-7730. | 24-27 | 8:00 | Embassy Row Hotel, Le Directoire Room, Washington, D.C. |
| Genetics: Dr. Katherine S. Wilson, room 349, telephone 496-7271. | 21-23 | 9:00 | Building 31, C-Wing, room 4, room 6, |
| | 25-27 | 9:00 | Bethesda, Md. |
| Hematology: Dr. Joseph E. Hayes, Jr., room 355, telephone 496-7508. | 3-5 | 9:00 | Holiday Inn, Chevy Chase, Md. |
| Human embryology and development: Dr. Samuel Moss, room 221, telephone 496-7597. | 17-20 | 9:00 | Building 31, room 5, Bethesda, Md. |

| Study section | April meetings | Time | Location |
|---|---|---|---|
| | | a.m. | |
| Immunobiology: Dr. James H. Turner, room A-25, telephone 496-7780. | 25-27 | 9:00 | Building 31, C-Wing, room 9, Bethesda, Md. |
| Medicinal chemistry A: Dr. Asher Hyatt, room 222, telephone 496-7286. | 4-7 | 9:00 | Biltmore Hotel, Mediterranean room, Los Angeles, Calif. |
| Medicinal chemistry B: Richard P. Bratzel, room 222, telephone 496-7286. | 19-21 | 9:00 | Linden Hill Hotel, Terrace Room, Bethesda, Md. |
| | | p.m. | |
| Metabolism: Dr. Robert M. Leonard, room 218, telephone 496-7091. | 16-20 | 7:00 | Building 31, room 2, Bethesda, Md. |
| | | a.m. | |
| Microbial chemistry: Dr. Gustave Silber, room 357, telephone 496-7130. | 18-20 | 8:30 | Sheraton Inn, Council Room, Silver Spring, Md. |
| Molecular biology: Dr. Donald T. Disque, room 328, telephone 496-7830. | 18-20 | 8:30 | Building 31, C-Wing, room 7, Bethesda, Md. |
| Neurology A: Dr. William E. Morris, room 326, telephone 496-7095. | 16-20 | 9:00 | Building 31, C-Wing, room 8, Bethesda, Md. |
| Neurology B: Dr. Willard L. McFarland, room 2A-10, telephone 496-7422. | 18-20 | 8:30 | Sheraton Inn, Silver Spring, Md. |
| Nutrition: Dr. John R. Schubert, room 204, telephone 496-7178. | 24-26 | 8:30 | Holiday Inn, Adams Room, Chevy Chase, Md. |
| Pathology A: Dr. William B. Savchuck, room 337, telephone, 496-7305. | 3-5 | 9:00 | Sheraton Inn, Silver Spring, Md. |
| Pathology B: Dr. James K. MacNamee, room 352, telephone 496-7244. | 17 | 8:30 | Westwood Bldg., room 232, Bethesda, Md. |
| | 18-20 | 8:30 | Embassy Row Hotel, Washington, D.C. |
| Pharmacology: Dr. Lawrence M. Petrucelli, room 334, telephone 496-7408. | 24-27 | 9:00 | Building 31, C-Wing, room 8. |
| Physiological chemistry: Dr. Robert L. Ingram, room 338, telephone 496-7837. | 11-13 | 9:00 | Building 31, room 4, Bethesda, Md. |
| | | p.m. | |
| Physiology: Dr. Clara E. Hamilton, room 219, telephone 496-7878. | 25-28 | 1:00 | Do. |
| | | a.m. | |
| Population research: Miss Carol Campbell, room 210, telephone 496-7140. | 21-23 | 9:00 | Building 31, C-Wing, room 9, Bethesda, Md. |
| Radiation: Dr. Robert L. Straube, room 248, telephone 496-7510. | 17-19 | 9:00 | Do. |
| Reproductive biology: Dr. Robert T. Hill, room 206, telephone 496-7318. | 24-26, 29 | 9:00 | Holiday Inn, Woodmont East Room, Bethesda, Md. |
| Surgery A: Dr. Raymond J. Helvig, room 336, telephone 496-7771. | 8-9 | 8:30 | Building 31, C-Wing, room 9, Bethesda, Md. |
| Surgery B: Dr. Joe W. Atkinson, room 348, telephone 496-7506. | 8-9 | 8:30 | Building 31, C-Wing, room 6, Bethesda, Md. |
| Toxicology: Dr. Rob S. McCutcheon, room 226, telephone 496-7570. | 5-7 | 8:30 | Benjamin Franklin Hotel, Valley Forge Suite, Philadelphia, Pa. |
| Tropical medicine and parasitology: Dr. George W. Luttermoser, room 319, telephone 496-7494. | 16 | 9:00 | Landow Bldg., room C418, Bethesda, Md. |
| | 18-20 | 12:00 | |
| Virology: Dr. Claire H. Winestock, room 340, telephone 496-7128. | 18-20 | 9:00 | Building 31, C-Wing, room 6, Bethesda, Md. |
| Visual sciences A: Dr. Orvil E. A. Bolduan, room 2A-05, telephone 496-7180. | 21-24 | 9:00 | Sandcastle Motel, Lido Room, Sarasota, Fla. |
| Visual sciences B: Dr. Marie A. Jakus, room 353, telephone 496-7251. | 21-23 | 9:00 | St. Armands Inn, Sarasota, Fla. |

Dated: March 13, 1974.

LEON M. SCHWARTZ,
*Associate Director for Administration, National Institutes of Health.*

(Catalog of Federal Domestic Assistance Program Nos. 13.010, 13.011, 13.104, 13.105, 13.106, 13.200, 13.201, 13.202, 13.203, 13.204, 13.205, 13.206, 13.207, 13.208, 13.210, 13.211, 13.212, 13.213, 13.214, 13.215, 13.216, 13.217, 13.218, 13.220, 13.223, 13.224, 13.225, 13.226, 13.227, 13.228, 13.229, 13.230, 13.231, 13.232, 13.233, 13.234, 13.235, 13.237, 13.238, 13.239, 13.240, 13.241, 13.242, 13.243, 13.244, 13.246, 13.247, 13.248, 13.249, 13.250, 13.251, 13.252, 13.253, 13.254, 13.300, 13.302, 13.303, 13.304, 13.305, 13.306, 13.307, 13.308, 13.311, 13.312, 13.313, 13.315, 13.316, 13.318, 13.319, 13.320, 13.321, 13.322, 13.323, 13.324, 13.326, 13.327, 13.329, 13.330, 13.332, 13.333, 13.334, 13.336, 13.337, 13.338, 13.339, 13.340, 13.341, 13.342, 13.344, 13.345, 13.348, 13.350, 13.352, 13.353, 13.354, 13.355, 13.357, 13.358, 13.359, 13.360, 13.361, 13.362, 13.363, 13.364, 13.366, 13.367, 13.368, 13.369, 13.370, 13.372, 13.373, 13.374, National Institutes of Health, DHEW)

[FR Doc.74-6664 Filed 3-22-74;8:45 am]

## Office of the Secretary

### PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

#### Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet Friday and Saturday, March 29–30, 1974, from 9 a.m. to 4 p.m. at the L'Enfant Plaza Hotel in Washington, D.C. The Committee will discuss health, education, services and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: March 18, 1974.

FRED J. KRAUSE,
*Executive Director, President's Committee on Mental Retardation.*

[FR Doc.74-6789 Filed 3-22-74;8:45 am]

### OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

#### Statement of Organization, Functions, and Delegations of Authority

Part 1 in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Chapter 1N entitled Office of the Assistant Secretary for Health (38 FR 18571, July 12, 1973) is hereby amended to abolish the Office of Drug Abuse Prevention. Its function will be performed by the National Institute of Drug Abuse of the Alcohol, Drug Abuse, and Mental Health Administration.

Section 1N.102 Special Functions is amended to delete the Office of Drug Abuse Prevention. Section 1N.20B2g, "Office of Drug Abuse Prevention," is deleted in total.

Dated: March 19, 1974.

THOMAS S. MCFEE,
*Acting Assistant Secretary for Administration and Management.*

[FR Doc.74-6788 Filed 3-22-74;8:45 am]

## Social Security Administration

### ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

#### Public Meetings

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare matters, will meet on Friday, March 29, 1974, and Friday, April 5, 1974, at 9 a.m., in the conference room on the 31st floor at 299 Park Avenue, New York, N.Y. These meetings are open to the public. However, there will be no formal agenda and no time allotted for public discussion because the Committee will be entirely involved in drafting its report to the Secretary.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585 East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-9134. Members of the public planning to attend should notify the Executive Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance.)

Dated: March 20, 1974.

MAX PERLMAN,
*Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.*

[FR Doc.74-6817 Filed 3-22-74;8:45 am]

## National Institute of Education

### NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

#### Meeting

Notice is hereby given that the next meeting of the National Council on Edu-

cational Research will be held on April 1, 1974 in Charleston, West Virginia. The sessions will be held at The Charleston House (Holiday Inn), 600 Kanawha Boulevard, Charleston, West Virginia, Telephone 304–344–4092.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of, the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assis' .nt Secretary and the Director ways to strengthen educational reseach, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The Chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

All of the sessions of the meeting, except for the discussion of the budget and the executive session during lunch, will be open to the public. The tentative agenda includes:

J.20–00, fol. 25812, 31-10
37412, Grevera, E.T., 3–22–74

| | |
|---|---|
| 9:15–9:25 | Welcoming Remarks. |
| 9:25–9:30 | Minutes of March 13 Meeting. |
| 9:30–9:45 | Director's Remarks. |
| 9:45–10:15 | Presentation by Dr. Lyman Ginger, Superintendent of Public Instruction, State of Kentucky, as liaison for Chief State School Officers. |
| 10:15–10:30 | Future Meetings of NCER. |
| 10:30–12:00 | NIE Budget (closed). |
| 12:00–1:00 | Lunch and Executive Session (closed). |
| 1:00–2:00 | Annual Report of NCER. |
| 2:00–4:30 | Presentation by Appalachia Educational Laboratory. |

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary by the close of business Thursday, March 28, 1974. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074–8), copies of Council resolutions and the approved minutes of Council meetings can be obtained by contacting the Executive Secretary.

In order to assure adequate seating arrangements at this meeting, persons interested in attending are requested to contact in advance:

Mrs. Caroline Phillips
Executive Secretary
National Council on Educational Research
National Institute of Education Room 714
Washington, D.C. 20208
Telephone: 202–254–7900

THOMAS K. GLENNAN, Jr.,
*Director,*
*National Institute of Education.*

[FR Doc.74–7036 Filed 3–22–74;11:56 am]

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[CGD 74 57]

### EQUIPMENT, CONSTRUCTION, AND MATERIALS

#### Notice of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 28, 1973 to January 28, 1974 (List No. 2–74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in 46 U.S.C. 367, 375, 390b, 416, 481, 489, 526p, and 1333; 43 U.S.C. 1333; 50 U.S.C. 198. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/28/1, 3.75′ x 3.0′ x 0.75′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. M–99–13, Alt. C dated January 28, 1959, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.010/28/1 dated March 25, 1969.)

Approval No. 160.010/29/1, 6.0′ x 4.0′ x 0.75′ buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 20-man capacity, dwg. No. M–99–14, Alt. D dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.010/29/1 dated March 25, 1969.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/105/0, Type M–13 winch; approval is limited to mechanical components only and for a maximum working load of 1,300 pounds pull at the drum on a single-part fall; identified by general arrangement drawing W1–D–014, revision A dated January 7, 1974, and drawing list, revision A dated January 8, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 25, 1974.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/27/2, container for emergency drinking water, Globe Equipment Corporation dwg. No. 1313 dated November 1, 1956, revised May 6, 1959, packed by Ash Jon Corporation, 257 Water Street, Brooklyn, New York 11201, for Globe Equipment Corporation, 257 Water Street, Brooklyn, New York 11201, effective January 3, 1974. (It is an extension of Approval No. 160.026/27/2 dated March 25, 1969.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/53/0, 5.0′ x 3.83′ (9″ x 9″ body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 10-person capacity, dwg. No. M–99–16, Rev. A dated January 22, 1959, and fabrication specification dated March 10, 1958, revised March 19, 1958, manufactured by Marine Safety Equipment Corporation, specification dated March 10, 1958, revised March 19, 1959, manufactured by Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.027/53/0 dated March 25, 1969.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/56/0, 30-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.-050/56/0 dated March 19, 1969 and change of name of manufacturer.)

Approval No. 160.050/57/0, 24-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core. Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.-050/57/0 dated March 19, 1969 and change of name of manufacturer.)

Approval No. 160.050/58/0, 20-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.-050/58/0 dated March 19, 1969 and change of name of manufacturer.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/1/0, Model No. 729 first-aid kit for inflatable life rafts, dwg. revised November 27, 1959, manufactured by Marion Health and Safety, Inc., 1515 Elmwood Road, Rockford, Illinois 61101, formerly Medical Supply Company, effective January 16, 1974. (It supersedes Approval No. 160.054/1/0 dated January 19, 1970 to show change of name and address of manufacturer.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/56/1, Non-Standard Model 8115, adult molded cloth covered unicellular plastic foam life preserver, dwg. No. 8115/10/67, revision 2 dated March 25, 1968, Type I PFD, approved for use on all vessels, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective January 8, 1974. (It supersedes Approval No. 160.055/56/0 dated February 2, 1973 to show minor modification in construction.)

Approval No. 160.055/92/0, Standard Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055-IB (Sheet 1 & 2), Type I PFD, manufactured by West Products Corporation, 236 South Street, Newark, New Jersey 07093, effective January 2, 1974. (It is an extension of Approval No. 160.-055/92/0 dated March 21, 1969.)

Approval No. 160.055/93/0, Standard Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055-IB (Sheet 3 & 4), Type I PFD, manufactured by West Products Corporation, 236 South Street, Newark, New Jersey 07093, effective January 2, 1974. (It is an extension of Approval No. 160.055/93/0 dated March 21, 1969.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/8/1, Detex Newman Watchclock and Models D, FKDS, FKDL, SK, and SKL Watchclock Key Stations, Detex Newman Watchclock data sheet N-10-67 and Detex Watchclock Stations data sheet S-10-67, components for a watchman's supervisory system, manufactured by Detex Corporation, 53 Park Place, New York, New York 10007, effective January 2, 1974. (It is an extension of Approval No. 161.002/8/1 dated February 25, 1969.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/111/2, Tate Temco 2½" pressure-vacuum relief valve, Models 53-25F and 53-45F, Tate Temco 2½" pressure-vacuum relief valve, Model 53-65F, Tate Temco 4" pressure-vacuum relief valve, Models 53-25F, 53-45F and 53-65F, Tate Temco 6" pressure-vacuum relief valve, Models 53-25F, 53-45F and 53-65F, all Models are bronze construction, manufactured by Tate Temco, Inc., 1205 S. Carey Street, Baltimore, Maryland 21230, effective January 28, 1974. (It supersedes Approval No. 162.017/111/1 dated September 27, 1973.)

Approval No. 162.017/112/2, Tate Temco 2½" pressure-vacuum relief valve, Models 53-20F and 53-40F, Tate Temco 2½" pressure-vacuum relief valve, Model 53-60F, Tate Temco 4" pressure-vacuum relief valve, Models 53-20F, 53-40F and 53-60F, Tate Temco 6" pressure-vacuum relief valve, Models 53-20F, 53-40F and 53-60F, all Models are bronze construction, valves identical to those that were approved by Certificate of Approval 162.017/111/0 except for the "Manual Control" feature, manufactured by Tate Temco, Inc., 1205 S. Carey Street, Baltimore, Maryland 21230, effective January 28, 1974. (It supersedes Approval No. 162.017/112/1 dated September 27, 1973.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/35/4, 4" Style JQ safety relief valve for liquefied chlorine service (corrosive), approved for a maximum set pressure of 300 p.s.i., discharge capacity 15,350 cubic feet per minute of air measured at 60° F. and 14.7 p.s.i.a., O.D. of inlet flange has been reduced from 10" to 9½", manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective January 9, 1974. (It supersedes Approval No. 162.018/35/3 dated June 28, 1973.)

Approval No. 162.018/80/0,

| Type | Seat | Inlet size | Orifice | MAWP [1] |
|---|---|---|---|---|
| 81 | Plastic | ¾", 1", 1½" | dash 2 through 8 | 2160 p.s.i.g. |
| | | 1½", 2" | F, G, H, J | 2160 p.s.i.g. |
| 83 | O-Ring | ¾", 1", 1½" | dash 2 through 8 | 2160 p.s.i.g. |
| | | 1½", 2" | F, G, H, J | 2160 p.s.i.g. |

1. The seat material shall be compatible with the intended service (chemistry, temperature).

2. Refer to manufacturers literature for actual orifice area. Nozzle coefficient for all sizes is 0.816.

3. Service temperatures for the body and seat materials shall be as indicated on AGCO dwg. 3-5424. Body materials may require impact testing for service temperatures below 0°F.

Manufactured by Anderson, Greenwood & Company, P.O. Box 1097, Bellaire, Texas 77401, effective January 25, 1974.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.925/107/0, Penberthy Houdaille Series 52A, 58A, 31A, 34A, 62A, 64A, 36A, 37A, 68A, 38A, 32A and 35A direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

Approval No. 162.025/108/0, Penberthy Houdaille Series C-23, C-24, C-25 and C-26 direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

Approval No. 162.025/109/0, Penberthy Houdaille Series E-13, E-14, E-15 and E-16 direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

HALON 1301 FIXED FIRE EXTINGUISHING SYSTEM

Approval No. 162.029/1/0, FiQuench Model 5-BC1301-M, pre-engineered Halon 1301 extinguishing system unit, stored pressure type, identical to that described in Underwriters' Laboratories, Inc. report file EX2828, Project 72NK848 dated November 29, 1972, approved for use on recreational boats and certain other uninspected vessels, manufactured by Fike Metal Products Corporation, 704 S. 10th Street, Blue Springs, Missouri 64015, effective January 14, 1974.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/176/0, Barbron backfire flame arrester, part No. 57221B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (57221A), all-aluminum models (not anodized) 57221AA, base is 2.25" high, opening in base is 5.09", manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, Michigan 48227, effective December 28, 1973.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/118/0, "NA DISCO" fibrous glass cloth-faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2180:FR3717 dated April 1, 1969 and Jamestown Fiber Glass, Inc

letter dated March 5, 1969 as Sample A, approved in a density of 4 pounds per cubic foot, basic board is manufactured by Owens Corning Fiberglas Corporation Plant located at Toledo, Ohio, manufactured by Jamestown Fiber Glass, Inc., 146 Blackstone Avenue, Jamestown, New York 14701, effective January 8, 1974. (It is an extension of Approval No. 164.009/118/0 dated April 9, 1969.)

Approval No. 164.009/124/0, "Thermafiber" mineral wool panels identical to that described in National Bureau of Standards Test Report No. TG10230–27: FR 3644 dated December 16, 1964 and U.S.C.G. letter dated March 14, 1969, approved in density of 4 through 8 pounds per cubic foot, manufactured by United States Gypsum Company, 300 West Adams Street, Chicago, Illinois 60606, Plant: South Plainfield, New Jersey, effective January 8, 1974. (It is an extension of Approval No. 164.009/124/0 dated March 14, 1969 and change of address of manufacturer.)

Approval No. 164.009/172/0, "Incombustible Hullboard SGU—(Unscalped)" glass fiber type incombustible hull board identical to that described in National Bureau of Standards Test Report No. FR 3860 dated December 10, 1973, approved in 1.6 to 2.0 pounds per cubic foot density, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, Plant location: Richmond, Indiana, effective January 25, 1974. (It supersedes Approval No. 164.009/172/0 dated January 10, 1974 to show minor changes.)

Dated: March 15, 1974.

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

[FR Doc.74–6732 Filed 3–22–74;8:45 am]

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## Federal Highway Administration

### MISSOURI; PROPOSED ACTION PLAN

#### Availability for Public Review

The Missouri State Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Missouri State Highway Department, State Highway Building, 119 West Capitol Avenue, Jefferson City, Missouri 65101.
2. Missouri Division Office—FHWA, 209 Adams Street, Jefferson City, Missouri 65101.
3. FHWA Regional Office—Region 7, 6301 Rickhill Road, Second Floor, Colonial Square Building, Kansas City, Missouri 64131.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400–7th Street, S.W., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before April 20, 1974.

Issued on March 19, 1974.

Norbert T. Tiemann,
*Federal Highway Administrator.*

[FR Doc.74–6842 Filed 3–22–74;8:45 am]

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## ATOMIC ENERGY COMMISSION

[Docket No. 50–333]

### JAMES A. FITZPATRICK NUCLEAR POWER PLANT

#### Notice of Availability of Decision

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations set forth in 10 CFR Part 50, Appendix D, paragraphs A.9 and A.11, notice is hereby given that a Decision dated January 29, 1974, by the Atomic Safety and Licensing Appeal Board in the above captioned proceeding, which relates to the Atomic Safety and Licensing Board's Initial Decision dated November 12, 1973 and Supplemental Initial Decision dated January 10, 1974, authorizing issuance of an operating license to the Power Authority of the State of New York and Niagara Mohawk Power Corporation for operation of the James A. FitzPatrick Nuclear Power Plant, Unit 1 located on the southeast shore of Lake Ontario in Oswego County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

The Decision is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202.

Based upon the record developed in the public hearing in the above captioned matter, the Decision modified in certain respects the Atomic Safety and Licensing Board's Initial Decision, and its Supplemental Initial Decision, as well as the contents of the Final Environmental Statements relating to the operation of the FitzPatrick Nuclear Power Plant, prepared by the Commission's Directorate of Licensing. Copies of the Initial Decision, the Supplemental Initial Decision and the Final Environmental Statement are also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Initial Decision and Supplemental Initial Decision by the Atomic Safety and Licensing Board and the Final Environmental Statement are deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Decision are different from those contained in the Initial Decision, the Supplemental Initial Decision, and the Final Environmental Statement dated March 1973. As required by Appendix D, Section A.11, a copy of the Decision, which modifies the previously described documents, is being transmitted to the Council on Environmental Quality and has been made available to the public as noted herein.

Single copies of the Decision by the Atomic Safety and Licensing Appeal Board; the Initial Decision and Supplemental Initial Decision by the Atomic Safety and Licensing Board; and the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 18th day of March, 1974.

For the Atomic Energy Commission.

John F. Stolz,
*Chief, Light Water Reactors Project Branch 2–1 Directorate of Licensing.*

[FR Doc.74–6752 Filed 3–22–74;8:45 am]

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[Docket Nos. 50–327, and 50–328]

### TENNESSEE VALLEY AUTHORITY

#### Notice of Receipt of Application

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating licenses from the Tennessee Valley Authority (the applicant) which would authorize the applicant to possess, use, and operate the Sequoyah Nuclear Plant, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the applicant's site on the west shore of Chickamauga Lake in Hamilton County, Tennessee. Each unit would operate at a steady state reactor core power level of 3411 megawatts thermal.

The Commission will consider the issuance of facility operating licenses to the Tennessee Valley Authority, which would authorize the applicant to possess, use and operate the Sequoyah Nuclear Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing; (2) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (3) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements

of the Atomic Energy Act of 1954 as amended (Act), and the Commission's regulations in 10 CFR Chapter I. The Tennessee Valley Authority, as an agency of the Federal Government, and as the "lead agency" under the guidelines of the Council on Environmental Quality, has already prepared Draft and Final Environmental Statements for the facilities. The applicant's Final Environmental Statement incorporates comments by the Commission on the Draft Environmental Statement.

Construction of the facilities was authorized by Construction Permit Nos. CPPR–72 and CPPR–43, issued by the Commission on May 27, 1970. Construction of Unit 1 is anticipated to be completed by December 1, 1975, and Unit 2 by August 1, 1976.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In addition to the above, the facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970 to September 9, 1971. These provisions require that a hearing be held to consider whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values. With respect to this consideration, notice is hereby given, pursuant to the Act and the regulations in 10 CFR Part 2, Rules of Practice, and Appendix D to 10 CFR Part 50, Implementation of the National Environmental Policy Act of 1969, that a hearing will be held in the captioned proceeding by an Atomic Safety and Licensing Board (Board) at a time and place to be fixed by subsequent order of the Board to consider and make determinations on the matters set forth below.

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the applicant pursuant to NEPA has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D to 10 CFR Part 50, (a) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values.

The Board will decide whether, in accordance with the applicable requirements of Appendix D of 10 CFR Part 50, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, the operating licenses should be issued as proposed.

The hearing will be scheduled to begin in the vicinity of the site of the proposed facility. The Board, which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consists of Edward Luton, Esq., Chairman, Dr. George C. Anderson, and Dr. Hugh C. Paxton.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

An answer to this notice, pursuant to the provisions of 10 CFR Part 2.705, must be filed by the applicant by April 15, 1974.

By April 25, 1974, the applicant may file a request for a hearing with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to the issuance of the facility operating license; or (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., by April 25, 1974. A copy of the petition should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, General Counsel, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the ap-

plication for the facility operating licenses dated January 31, 1974, and the Tennessee Valley Authority's Final Environmental Statement dated February 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Chattanooga Public Library, 601 McCalley Street, Chattanooga, Tennessee. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation report prepared by the Directorate of Licensing; (2) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (3) the proposed facility operating licenses; and (4) the technical specifications, which will be attached to the proposed operating licenses.

Copies of items (1), (2) and (3), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 12th day of March, 1974.

PAUL C. BENDER,
*Secretary of the Commission.*

[FR Doc.74-6750 Filed 3-22-74;8:45 am]

## CIVIL AERONAUTICS BOARD

### AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

#### Meeting

Notice is hereby given that a presentation will be made by ASTA on April 5, 1974, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., to explain the role of the travel agent industry in connection with the marketing and sale of air passenger service.

Dated at Washington, D.C., March 20, 1974.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.74-6807 Filed 3-22-74;8:45 am]

### LAKER AIRWAYS LIMITED

[Docket 25427]

#### Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 15, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 19, 1974.

[SEAL] RALPH L. WISER,
*Chief Administrative Law Judge.*

[FR Doc.74-6809 Filed 3-22-74;8:45 am]

### TRANSPORTATION ASSOCIATION OF AMERICA

#### Meeting

Notice is hereby given that a presentation will be made by the above Association on April 3, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 20, 1974.

[SEAL] EDWIN Z. HOLLAND,
*Secretary.*

[FR Doc.74-6808 Filed 3-22-74;8:45 am]

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

#### Notice of Meeting

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on April 3, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members having special expertise in the textile and apparel industry, 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.74-6914 Filed 3-22-74;8:45 am]

## ENVIRONMENTAL PROTECTION AGENCY

### PEUGEOT AND ISUZU MOTORS

#### 1976 Nitrogen Oxide Standard Suspension Request and Procedures for Disposition

Section 202(b)(5)(B) of the Clean Air Act, as amended, provides that at any time after January 1, 1973, any automobile manufacturer may file with the Administrator of the Environmental Protection Agency an application requesting the suspension for one year only of the effective date, with regard to that manufacturer, of the nitrogen oxides emission standard applicable to light duty vehicles manufactured beginning with the 1976 model year.

If the Administrator determines that such suspension should be granted, he must simultaneously with such determination prescribe by regulation an interim emission standard applicable to light duty vehicles manufactured during the 1976 model year.

On July 30, 1973, the Administrator granted to Chrysler Corporation, Ford Motor Company, and General Motors Corporation a one-year suspension of the effective date of the statutory 1976 light duty vehicle nitrogen oxides emission standard. The Administrator simultaneously established an interim $NO_x$ emission standard of 2.0 grams per mile applicable to each applicant's 1976 model year vehicles (see 38 FR 22474, August 21, 1973).

The Administrator's decision was based on findings required by section 202(b)(5)(D)(i), (ii), (iii), and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology required to meet the standards is not generally available) as applicable to the automobile industry as a whole and, hence, conclusive as to any applications for suspension of the 1976 NOx statutory standard. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standard (section 202(b)(5)(D)(ii)), will be made with respect to each applicant on the basis of an application, and after adequate time for public review and comment. A decision granting or denying any application will be made within 60 days after receipt thereof. Any manufacturer granted a suspension will be subject to the interim 2.0 grams per mile NOx standard established by the July 30, 1973 decision.

On Friday, December 28, 1973, the Administrator announced receipt of several additional requests for suspension of the 1976 NOx standard, and delineated procedures for disposition of those applications and all other applications for suspension filed with the Administrator prior to January 4, 1974 (see 38 FR 35528). Then on February 1, 1974 (see 39 FR 4132), the Administrator granted suspension of the 1976 NOx emission standard to sixteen (16) additional manufacturers. Subsequently, two other requests for suspension were received:

Automobiles Peugeot (received on February 13, 1974), and Isuzu Motors (received on February 22, 1974).

The procedures for disposition of these two applications and all other requests for suspension under section 202(b)(5)(B) of the Act, filed with the Administrator prior to April 5, 1974, will be those procedures set forth in the aforementioned December 28, 1973, FEDERAL REGISTER notice, which are as follows: (i) The applications will be made available for public review and comment; (ii) the Administrator will conduct a public hearing, if, on the basis of public comments received, he determines a useful purpose would be served thereby (such hearing will be announced by FEDERAL REGISTER notice); (iii) each application will be reviewed by EPA to determine whether the applicant made all good faith efforts; (iv) if any application is deemed deficient the applicant will be notified by EPA to supplement his suspension request and, if the applicant fails to satisfactorily revise the application, the applicant will be required to appear and testify at a public hearing; and (v) the Administrator will issue by FEDERAL REGISTER notice his decision to grant or deny the respective applications on or before the 60th day from the day of receipt of such applications.

Any interested person may participate in this procedure through the filing of written comments or information with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460 on or before April 12, 1974.

Any person who provides written information for consideration may be required, upon 24 hours notice, to appear at a hearing, if held, to respond to questions by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by interested persons shall be addressed to whether the applicant has made all good faith efforts to meet the standard.

The applications and such portions of the applicants' supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, Room 227, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR Part 2.

Dated: March 19, 1974.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.74-6852 Filed 3-22-74;8:45 am]

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## MOTOR VEHICLE POLLUTION CONTROL

### Technological Feasibility of Meeting Various Oxides of Nitrogen Emission Standards

The Environmental Protection Agency has submitted the following request for information for the National Academy of Sciences pursuant to a Congressionally mandated study being conducted by the Academy on the technological feasibility of meeting the emissions standards required by the Clean Air Act.

#### ANNOUNCEMENT AND REQUEST FOR INFORMATION

The Committee on Motor Vehicle Emissions of the National Academy of Sciences is seeking information which will aid its study of vehicle emission control technology.

Since early 1971, the Committee on Motor Vehicle Emissions of the National Academy of Sciences has been conducting a comprehensive study and investigation of the technological feasibility of meeting U.S. light duty motor vehicle emission standards. This study is in response to a request from Congress embodied in section 202(c) of the Clean Air Act (42 U.S.C. § 185f-1(c)). From time to time, the Committee has presented the results of its continuing investigation to Congress, the U.S. Environmental Protection Agency, and the general public.

The phase of the study currently being conducted by the Committee deals primarily with emission control of oxides of nitrogen ($NO_x$). The Committee will investigate the technological feasibility of meeting various assumed maximum permissible levels of $NO_x$ emissions ranging from 3.1 grams per mile to 0.4 grams per mile. Hydrocarbon and carbon monoxide emissions and control technology will also be considered to the extent that they are related to and interact with the primary thrust of the study. The motor vehicle emission control systems to be evaluated will include: the conventional internal combustion engine using various emission control options such as mixture preparation (advanced carburetors, electronic fuel injection, mechanical fuel injection), ignition systems, exhaust reactors, catalysts (oxidizing, reducing and three-way), exhaust gas recirculation and electronic controls (e.g., electronic fuel injection with feedback controls); and near-term alternative automotive power systems such as the stratified-charge engine, the diesel engine, and the rotary engine. The time frame of primary interest to the Committee is 1976–1980.

For the purposes of the study, the Committee defines the determination of "technological feasibility" to include the following:

1. Feasibility of developing and designing an emission control system that would enable compliance with various emission standards as judged by the certification procedures prescribed by the Environmental Protection Agency.
2. Feasibility of mass producing systems of promising design.
3. Projected performance of such emission control systems in customer usage, including fuel economy and the requirements for maintenance necessary to assure continuing reliability.
4. The cost, per vehicle, associated with acquisition, maintenance and operation of the emission control system.

Emission control data to be collected by the Committee during the course of its study will typically include emissions data, a comprehensive description of the emission control system tested, vehicle characteristics and weight of the vehicle tested, the type of fuel used, the fuel consumption, the test procedure used, the purpose of the test, scheduled and unscheduled maintenance performed during the test, diagnostic and engineering analysis data developed from emission control system and component tests including both successes and failures, and information on the driveability and performance of the vehicle tested. Information will also be collected on basic analysis of emission control systems and feasibility studies.

The Committee will collect information on the manufacturability and costs of emission control systems and related items. Topics considered will include plant requirements and lead time, tooling requirements and lead time, resource requirements, production scheduling, projected vehicle mixes, costs of labor, parts and materials, and vehicle operating costs in terms of fuel consumption and maintenance costs.

Certain other topics will receive special scrutiny by the Committee: fuel economy data, the test procedures used to develop the data, and potential changes in fuel types and characteristics; the performance and durability of motor vehicle emission control systems in use (including performance during high-stress modes of operation) and the effects on emissions, performance, and driveability of emission control systems failure; the problems of adequate vehicle maintenance in use; and data on currently unregulated emissions from motor vehicles. The Committee will also update its review of longer term alternatives to the internal combustion engine.

All submissions to the Committee on Motor Vehicle Emissions (including photographs, documents, components, etc.) will become the property of the National Academy of Sciences unless otherwise requested. Information which is regarded as proprietary or confidential by the person or organization providing the information shall be so labeled in advance of submittal to the Committee. Such information will be treated in accordance with the Committee on Motor Vehicle Emissions Policy for Handling Confidential Information dated January 24, 1974, a copy of which is available upon request from the Committee on Motor Vehicle Emissions, National Academy of Sciences.

All submissions should be sent to:

Dr. Emerson W. Pugh
Executive Director
Committee on Motor Vehicle Emissions
National Academy of Sciences
2101 Constitution Avenue, NW.
Washington, D.C. 20418

Dated: March 15, 1974.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.74-6850 Filed 3-22-74;8:45 am]

## ALTERNATIVE WASTE TREATMENT MANAGEMENT TECHNIQUES AND SYSTEMS

### Notice of Availability

Notice is hereby given that the Environmental Protection Agency (EPA) has published, in proposed form, a report entitled "Alternative Waste Treatment Management Techniques and Systems for Best Practicable Waste Treatment" pursuant to section 304(d)(2) of the Federal Water Pollution Control Act, as amended. (33 U.S.C. 1251, 1314(d)(2); 86 Stat. 816 et seq.; Pub. L. 92-500) ("The Act").

Section 304(d)(2) of the Act provides, in pertinent part, that the Administrator of EPA is to publish, after consultation with appropriate Federal and State agencies and other interested persons, information on alternative waste treatment management techniques and systems available to implement section 201 of the Act.

Section 201(b) of the Act provides, in pertinent part, that waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters. Section 201(g)(2) provides, in pertinent part, that the Administrator shall not make grants from any funds authorized for any fiscal year beginning after June 30, 1974 for treatment works unless the grant applicant has demonstrated that alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works.

The report contains information on the three major alternative management techniques: land application; reuse; and treatment and discharge with an extensive bibliography on each technique.

The report is available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 4th and M Streets SW., Washington, D.C. Copies are being sent to all EPA Regional Offices and State water pollution control agency offices. An additional limited number of copies is available. Persons wishing to obtain a copy may write EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460; attention: Mr. Philip B. Wisman (A-107).

Interested persons are invited to comment on the proposed report by submitting written comments, in triplicate, to the Director, Municipal Construction Division, Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460. Comments may be submitted on or before May 9, 1974.

Dated: March 15, 1974.

JOHN QUARLES,
*Acting Administrator.*

[FR Doc.74-6851 Filed 3-22-74;8:45 am]

## FEDERAL ENERGY OFFICE

### EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS; SUBCOMMITTEE ON LP-GAS SUPPLY AND DEMAND

### Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Subcommittee on LP-Gas Supply and Demand of the Emergency Advisory Committee for Natural Gas will hold a meeting on Tuesday, March 26, 1974 at 2:30 p.m. in Room 595, Federal Court House, 19th and Stout Street, Denver, Colorado. The committee was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the movement and distribution of LP-Gas supplies. The agenda for the meeting is as follows:

1. Opening remarks by the Chairman.
2. Review and discussion of the four Task Group reports:
   a. Supply.
   b. Demand.
   c. Governmental Policy.
   d. Transportation and Storage.
3. Preparation of final subcommittee report to be presented to the full Emergency Advisory Committee.

The meeting is open to the public; however, space and facilities are limited. Further information concerning the meetings may be obtained from Lou D'Andrea, Federal Energy Office, Washington, D.C., telephone: 202/961-8559.

The chairman of the subcommittee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, 13th and Pennsylvania Avenue, NW., Washington, D.C.

Issued in Washington, D.C. on March 21, 1974.

WILLIAM N. WALKER,
*General Counsel.*

[FR Doc.74-6960 Filed 3-22-74;9:44 am]

## FEDERAL MARITIME COMMISSION

### CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

### Notices of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

| *Certificate No.* | *Owner/operator and vessels* |
|---|---|
| 01014--- | Robert Bornhofen Reederei: *Karin Bornhofen.* |
| 01035--- | Ove Skou: *Dolly Skou.* |
| 01178--- | Olaf Pedersen's Rederi A/S: *Sunny Fellow.* |
| 01322--- | Cardigan Shipping Co., Ltd.: *Norse Trader.* |
| 01422--- | Booth Steamship Co., Ltd.: *Berwell Adventure.* |
| 01441--- | Cottesbrooke Shipping Co., Ltd.: *Vancouver Trader.* |
| 02367--- | Canadian Pacific (Bermuda) Ltd.: *Fort MacLeod.* |
| 02976--- | Arthur-Smith Corp.: *AS 2001.* |
| 02982--- | The Shipping Corp. of India Ltd.: *Nanak, Shankara, Bharata, Rama, Gotama, Gandhi, Laxmi, Chandragupta, Kanishka, Gargi, Devaraya, Samudragupta, Chankaya, Leelavati, Bhaskara.* |
| 03139--- | Offshore Marine Ltd.: *Dogger Shore.* |
| 03289--- | Det Forenede Dampskibs-Selskab A/S: *Nopal Spray.* |
| 03505--- | Showa Yusen K. K.: *Maizuru Maru.* |
| 03635--- | Hines, Inc.: *Hines 418.* |
| 03728--- | Ocean Drilling & Exploration Co.: *Ocean Scout.* |
| 04172--- | Eklof Marine Corp.: *Reliable.* |
| 04564--- | Yamashita-Shinnihon K. K.: *Yamashin Maru.* |
| 05014--- | American Marine Corp.: *APB 38, Eagle, UMC-20, Tenaru River, Chuck, U 930, U 915, U 708, U 707, Bayou Barataria.* |
| 05130--- | Naviera Humboldt S.A.: *Coropuna.* |
| 06248--- | Commercial Corp. "Sovrybflot": *Raduzhnyy, Khronometr.* |
| 06602--- | Belcher Towing Co. of Boca Grande: *Belcher No. 25, Belcher No. 26.* |
| 07290--- | Hollywood Terminals, Inc.: *MGL-51, MGL-52.* |
| 07498--- | Louisiana Materials Co., Inc.: *Greenville, A 306, KE 13, KE 14, KE 16, Chicasaw.* |
| 07624--- | Josef Roth Reederei: *Christl Hermann.* |
| 07880--- | Logicon, Inc.: *Logicon 2103, Logicon 1300X, Logicon 2104.* |
| 08218--- | Salimar, S.A.: *Emma.* |
| 08353--- | Schiffahrts - Agentur "Hellas" G.m.b.h.: *Panarrange.* |
| 08414--- | I.F.R. Services Ltd.: *Tangelo.* |
| 08471--- | Villere Marine Corp.: *PP CO 303, Barge Xavier, Bayou Queue.* |
| 08546--- | Unicorn Shipping Co., Ltd.: *Happy Pioneer.* |
| 08654--- | Lucero Navegacion Transmare S.A.: *Sea Crest.* |
| 08655--- | Navios Viatlantica S.A.: *Wave Crest.* |
| 08680--- | Krethan Shipping Co., S.A. Panama: *Paraskevi H.* |
| 08694--- | Renata Compania Maritima S.A.: *Agios Nectarios.* |
| 08704--- | Bigane Vessel Fueling Co. of Chicago: *Jos. F. Bigane.* |
| 08705--- | Turbinia Steamship Co., Ltd.: *Turbinia.* |
| 08727--- | Mimika Shipping Co., Ltd.: *Mimika M.* |
| 08750--- | Ocean Oil Sanchu, Inc.: *Golar Kanto.* |
| 08753--- | Carnegie Maritime Co., Ltd.: *Sea Harmony.* |
| 08754--- | Exeter Maritime Co., Ltd.: *Sea Guardian.* |
| 08756--- | Kalimana Shipping Co., Ltd.: *Kehrea.* |
| 08758--- | Nagos Compania Maritima S.A.: *Maro.* |
| 08767--- | Psara Shipping Co., Ltd.: *Poros Island.* |

| Certificate No. | Owner/operator and vessels |
|---|---|
| 08770--- | Trans-Pacific Fisheries, Inc.: *Mermaid II.* |
| 08773--- | Global Navigation & Investment, Inc.: *Voula.* |
| 08774--- | Chalandri Maritime Co., Ltd., Limassol: *H. Endurance.* |
| 08775--- | Dray Shipping Co., Ltd.: *Panglobal Friendship.* |
| 08776--- | Lendas Maritime Co., Ltd.: *Lendas.* |
| 08778--- | Hercules, Inc.: *Southern Big N.* |
| 08779--- | Tokyo Kinkai Yuso K. K.: *Yuhei Maru.* |
| 08780--- | Eagle Steamship Co., Ltd.: *Diamond Eagle.* |
| 08781--- | Eastport Navigation Corp., Panama: *Elafi.* |
| 08782--- | Martimaris Tercero Maritime Corp.: *Eleuropa.* |
| 08783--- | World Car Carriers, Inc.: *Nissan No. 1.* |
| 08784--- | Tavistock Shipping Ltd.: *Nego Jade.* |
| 08786--- | Ore International Corp.: *Lisa.* |
| 08788--- | I/S Sunore: *Arabella.* |
| 08789--- | S. Bartz-Johannessen A/S: *Bragd.* |
| 08790--- | Agtek International, Inc.: *Sandra C.* |
| 08791--- | Cox Marine Corp.: *Hoosier Friend.* |
| 08794--- | Pitria Sky Navigation Co., Inc., Monrovia: *Pitria Sky.* |
| 08795--- | Pitria Sun Navigation Co., Inc.: *Pitria Sun.* |
| 08792--- | C. Rowbotham & Sons (Management) Ltd.: *Astraman.* |
| 08800--- | Mariba Maritime Co., Ltd.: *Great Luck.* |
| 08802--- | Overseas Shipping Private (Hongkong) Ltd.: *Hwa Gek, Hwa Chu.* |
| 08803--- | Hightide Corp.—Monrovia: *Progreso.* |
| 08804--- | Fulvia Maritime Co., Ltd.: *Fulvia.* |
| 08806--- | Heyer Schiffahrtsgesellschaft M/S "Nordicmark" Bremen: *Roro Scandia.* |

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-6858 Filed 3-22-74;8:45 am]

## CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

### Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

| Certificate No. | Owner/operator and vessels |
|---|---|
| 01014--- | Robert Bornhofen Reederei: *Adviser.* |
| 01015--- | A/S Rederiet Odfjell: *Oak.* |
| 01027--- | Flensburger Befrachtungskontor Uwe C. Hansen & Co.: *Stern Hasselburg.* |
| 01058--- | States Steamship Co.: *Illinois, Arizona, California.* |
| 01063--- | E. B. AAby's Rederi A/S: *Svolder.* |
| 01072--- | Kommanditselskabet AF 26.9. 1966: *Heering Christel.* |
| 01088--- | Schulte & Burns, Ringstrasse 2: *Johann Schulte, Stadt Emden.* |
| 01096--- | Zapata Naess Shipping Co., Ltd.: *Naess Talisman.* |
| 01098--- | Sovereign Shipping Co., Ltd.: *Naess Endeavour, Naess Sovereign, Naess Champion.* |
| 01103--- | Poseidon Schiffahrt Gesellschaft Mit Beschrankter Haftung: *Transamerica.* |
| 01113--- | A/S J. Ludwig Mowinckels Rederi: *Hada, Strinda.* |
| 01125--- | N. V. Ubem S.A. (Union Belge D'Enterprises Maritimes): *Belval, Chertal, Eeklo, Stolt Boel, Zelzate.* |
| 01156--- | Partenreederei MS Dirk Mittmann: *Dirk Mittman.* |
| 01681--- | A/S Vafos Brug: *Ole Rinde.* |
| 01910--- | Deutsche Dampfschiffahrts Gesellschaft "Hansa": *Atlantica New York.* |
| 01937--- | Mermaid Marine Co.: *Valentine.* |
| 02133--- | Marsimbol Compania Naviera: *Medita.* |
| 02152--- | A. F. Klaveness & Co. A/S: *Stolt Surf.* |
| 02295--- | The Great Eastern Shipping Co., Ltd.: *Jag Jyoti, Jag Laadki.* |
| 02416--- | Boland & Cornelius, Inc.: *Ben W. Calvin.* |
| 02548--- | Compania Maritima San Basilio S.A.: *Eurybates, Eurylochus, Eurymachus, Eurypylus, Eurytan, Eurytion.* |
| 02593--- | Tankstar Shipping Co. S.A.: *Taurus.* |
| 02698--- | Marneptuno Compania Naviera, S.A.: *Meteora.* |
| 02907--- | Blue Horizon Shipping Co. S.A.: *Aghios Nicocaos.* |
| 02949--- | Valley Towing Service, Inc.: *GTC 10, GTC 11.* |
| 02959--- | Kokuyo Kaiun Kabushiki Kaisha: *Kinukawa Maru.* |
| 03070--- | Coastal Towing Corp.: *Coastal 2000B, Coastal 2503, Coastal 2504, Coastal 2615, Coastal 2650.* |
| 03087--- | Atlantic Far East Lines, Inc.: *Oriental Jade.* |
| 03181--- | N. V. Kustvaartmaatschappij "Holland Groninger": *Ana Isabel.* |
| 03186--- | N.V. Motorscheepvaartmaatschappij "Rotterdam": *Alban.* |
| 03188--- | N. V. Zeerederij Holland-Zeeland: *Aidan.* |
| 03191--- | Compania Naviera Francina S.A.: *Francina.* |
| 03289--- | Det Forenede Dampskibsselskab A/S: *Sussex.* |
| 03765--- | Arpa Shipping Corp.: *Damon.* |
| 03792--- | Fluorescene Shipping Co., Ltd.: *Increscent Moon.* |
| 03800--- | Elco Shipping Corp. S.A.: *Soula K.* |
| 03883--- | Ohio Barge Line, Inc.: *OBL 905B.* |
| 04004--- | Koninklijke Java China Paketvaart Lijnen N.V.: *Tuiwangi.* |
| 04013--- | Compania Atlantica Pacifica, S.A.: *Louise.* |
| 04065--- | Altair Maritime S.A.: *Minoan Trader.* |
| 04099--- | Waterways Marine of Memphis, Inc.: *B-1120.* |
| 04113--- | Mon River Towing, Inc.: *MRBL-88.* |
| 04167--- | Dillingham Oceanographic Corp., Ltd.: *Mahi.* |
| 04420--- | Navigazione Alta Italia S.P.A.: *Nai Giovanna.* |
| 05208--- | Gaelic Tugboat Co.: *MCB.* |
| 05383--- | Lineas Pinillos: *Genil.* |
| 05393--- | Okinawa Reito Suisan Kabushiki Kaisha: *No. 28 Takuyo Maru.* |
| 05425--- | Georgia Transporters, Inc.: *MBL 603, White Bear.* |
| 05507--- | Valerosa Compania Naviera S.A.: *San John.* |
| 05608--- | Fekete & Co.: *Bertha, Tommy Wiborg.* |
| 05670--- | Vasco Madrilena de Navegacion S.A.: *Valle de Ayala.* |
| 05854--- | Levin Metals Corp.: *D.E. 681, Howard F. Clark, Rolf, Tinsman.* |
| 06044--- | Mayflower Transport & Trading Comp. N.V.: *Sylvia-4.* |
| 06149--- | Thomas Towing Corp.: *G M 127.* |
| 06504--- | Partenreederei M/S "Grethe Reith": *Grethe Reith.* |
| 06627--- | Imperio Transoceanico, S.A. Panama: *Aristandros.* |
| 06717--- | Princefield Shipping Ltd: *Princefield.* |
| 06719--- | West Indian Trading Co: *Curtis Mathes.* |
| 06832--- | Lesue Shipping, Inc.: *Mount Hope.* |
| 06869--- | Armonia Shipping Corp.: *Armonia.* |
| 06891--- | Caribbean Bunkering Co., Inc.: *527 N.* |
| 07141--- | Miyagi Prefectural Government: *Shin Miyagi Maru.* |
| 07473--- | Vencedora Armadora S.A. of Panama: *Kavo Matapas.* |
| 07623--- | Hawaiian Tug and Barge Co., Ltd.: *H T B 36.* |
| 07652--- | Emblema Hidalgo Navigation S.A. of Panama: *Kavo Vrettranos.* |
| 07690--- | Tangi Co., Ltd.: *Brettingur.* |
| 07877--- | Beta Shipping Co., Inc.: *Captain John.* |
| 07882--- | Ocean Science Ships Liberia, Inc.: *Gulfrex.* |
| 08209--- | Baltic Navigation Co., Ltd.: *Elpetroil.* |
| 08313--- | Norness (Bulkcarriers) Ltd.: *Naess Patroit.* |
| 08349--- | Dae Yang Oil Tanker Co., Ltd.: *No. 103 Woo Yang.* |
| 08417--- | Dovey Shipping & Industrial Holdings Ltd.: *Lottinge.* |

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-6859 Filed 3-22-74;8:45 am]

## FLAGSHIP CRUISES LIMITED AND KOMMANDITTSELSKAPET CRUISE VENTURE A/S & CO.

### Revocation of Certificate

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-93 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1, 101.

Flagship Cruises Limited
c/o Flagship Cruises, Inc.
522 Fifth Avenue
New York, New York 10036
AND
Kommandittselskapet Cruise Venture A/S & Co.
c/o Norwegian Cruiseships A/S
Radhusgt. 23, P. Box 355
Oslo 1, Norway

Whereas, Flagship Cruises Limited has ceased to operate the passenger vessel Island Venture; and

Whereas, Flagship Cruises Limited has returned Certificate (Performance) No. P-93 and Certificate (Casualty) No. C-1, 101 covering only the Island Venture for revocation.

*It is ordered,* That Certificate (Performance) No. P-93 and Certificate

(Casualty) No. C-1, 101 applying to the Island Venture be and are hereby revoked effective March 18, 1974.

*It is further ordered,* That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-6856 Filed 3-22-74;8:45 am]

## WALLENIUS LINE

### Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system 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 proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Application to Modify Dual Rate Contract Filed by:

Denning & Wohlstetter
1700 K Street NW.
Washington, D.C. 20006

An application has been filed by Wallenius Line to modify its Merchant's Rate Agreement covering new unboxed automobiles, trucks and miscellaneous four-wheel vehicles from the U.S. North Atlantic and Great Lakes to Europe to includes the United Kingdom. It also corrects the current address of Wallenius' General Agent in the United States.

By Order of the Federal Maritime Commission.

Dated: March 20, 1974.

FRANCIS C. HURNEY,
*Secretary.*

[FR Doc.74-6857 Filed 3-22-74;8:45 am]

## FEDERAL POWER COMMISSION

[Docket No. RM74-14]

### FERTILIZER INDUSTRY

### Natural Gas Supply Priority, Senate Resolution and Request for Comments

MARCH 20, 1974.

On February 27, 1974, the United States Senate adopted S. Res. 289,[1] Report No. 93-691, 93rd Congress, 2nd Session, declaring, as the "sense of the Senate", that the Federal Power Commission afford the highest priority of natural gas delivery to the fertilizer industry. The Resolution, which is appended hereto and made a part hereof, states that the productive capacity of the fertilizer industry is not sufficient to meet this Nation's 1974 agriculture production goals. We are requested to do everything in our power to alleviate that situation, which is caused at least in part by the shortfall of natural gas supplies.

In our Statement of Policy issued March 2, 1973,[1a] the initial priority accorded natural gas used by the fertilizer industry could vary depending upon (1) the end-use, i.e., whether the natural gas is used as feedstock or as fuel and (2) whether the natural gas purchase contract held by the manufacturer is considered firm or interruptible.

If the industrial [2] contract is firm [3], the portion of natural gas requirements for use as a feedstock [4] would be placed in priority (2), subordinate only to gas needed for residential [5] and small commercial [6] requirements.

If the contract is firm, the portion used as fuel would generally fall into priority (3) unless the natural gas is used as boiler fuel [7], which would qualify its inclusion into priorities (4) or (5) depending upon the relative size of the requirement.

If the manufacturer can demonstrate upon a proper showing that its firm fuel requirements can qualify for process gas use,[8] those requirements would be placed into priority (2).

If the fertilizer manufacturer holds an interruptible [9] natural gas purchase contract, its requirements for feedstock, process gas, and plant protection would be placed in priority (3).[10] All other requirements will be placed into priorities (6) thru (9).

Customers of jurisdictional pipeline companies may seek relief from curtailment, first with the pipeline and upon denial of relief to the Commission. The Commission has authorized pipeline companies to grant relief unilaterally in response to emergency situations, including environmental emergencies, during periods where supplemental deliveries are required to forestall irreparable injury to life or property. If the pipeline denied relief to its customers, a petition requesting relief outlining the circumstances warranting extraordinary relief, may be filed with the Commission.

This Commission has no authority over natural gas deliveries to fertilizer manufacturers where the supplier is an intrastate pipeline company or a local distribution company. Curtailment of natural gas deliveries in those circumstances are subject to the authority of respective state public utility commissions. Any requested relief from curtailment should be addressed to those bodies.

Petitions for relief from curtailment have been filed recently with the Commission by or on behalf of the fertilizer or phosphate feed manufacturers and those petitions are presently pending final determination on their merits. The petitions were filed (1) Carnegie Natural Gas Company on behalf of its customer, United States Steel Corporation, on November 21, 1973, in Texas Eastern Transmission Corporation, Docket No. RP73-39-3; (2) Columbia Nitrogen Corporation and Nipro, Inc. on October 23, 1973, in Southern Natural Gas Company, Docket No. RP74-6, et al.; (3) Occidental Chemical Company on January 30, 1974, in South Georgia Natural Gas Company, Docket No. RP74-65-1; on January 22, 1974, Borden, Incorporated and on February 27, 1974, Gardinier, Inc., filed in

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[1] A copy of S. Res. 289 is filed as part of the original document.

[1a] Order No. 467-B issued March 2, 1973 amending Order No. 467-A, January 15, 1973, and Order 467, January 8, 1973.

[2] *"Industrial.* Service to customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of electric power." Order No. 493-A, issued October 29, 1973.

[3] *"Firm Service.* Service from schedules or contracts under which seller is expressly obligated to deliver specific volumes within a given time period and which anticipates no interruptions, but which may permit unexpected interruption in case the supply to higher priority customers is threatened." *Ibid.*

[4] *"Feedstock Gas.* Is defined as natural gas used as raw material for its chemical properties increasing an end product." *Ibid.*

[5] *"Residential.* Service to customers which consists of direct natural gas usage in a residential dwelling for space heating, air conditioning, cooking, water heating, and other residential uses." *Ibid.*

[6] *"Commercial.* Service to customers engaged primarily in the sale of goods or services including institutions and local, state, and federal government agencies for uses other than those involving manufacturing or electric power generation." *Ibid.*

[7] *"Boiler Fuel.* Is considered to be natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity." *Ibid.*

[8] *"Process Gas.* Is considered to be natural gas used as fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity." *Ibid.*

[9] *"Interruptible Service.* Service from schedules or contracts under which seller is not expressly obligated to deliver specific volumes within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of alternate fuel capability." *Ibid.*

[10] On October 29, 1973, in Order No. 493-A, the definition of "alternate fuel capability" was defined to exclude propane and other gaseous fuels. The Commission said: "The clarification made here is specifically intended to permit interruptible industrial consumers to qualify an appropriate portion of their requirements for Priority 3 usage under Order No. 467-B, where the use is for plant protection, feedstock, or process as those definitions are defined in this proceeding."

Florida Gas Transmission Corporation, Docket Nos. RP74–50–3 and RP74–50–4; and (5) on February 13, 1974, North Alabama Gas District filed in Texas Eastern Transmission Corp. in Docket No. RP74–39–8. In the pending petitions of Carnegies Natural Gas Company, Columbia Nitrogen Corporation and Nipro, Inc., and Borden, Inc., the Commission has granted temporary emergency relief pending final determination on the merits through formal hearing.

According to a recent report titled Fertilizer Situation published by the Economic Research Service of the U.S. Department of Agriculture in January, 1974, a domestic shortage of nitrogen fertilizers will exist during 1974. The extent of the shortage, according to the report, depends upon increases in planted acreage, the likelihood of continued strong demand for fertilizer due to high farm products prices, increases in export demand, and domestic transportation problems. The report indicates that exports of nitrogen fertilizers have increased substantially in 1973 compared to 1972 and that these larger exports helped deplete current U.S. inventories, which resulted in restricted domestic availability. The report concludes that already limited production capacity may be affected by the natural gas shortage.

According to data from the Fertilizer Institute, approximately 52 percent of domestic anhydrous ammonia is produced by natural gas purchased from interstate suppliers while the remaining 48 percent is produced by using natural gas purchased from intrastate suppliers. Of the total anhydrous ammonia production, including both interstate and intrastate natural gas supplies, approximately 78 percent is produced from purchases of natural gas under firm contracts, the remaining 22 percent is produced by gas delivered under interruptible purchase contracts. In the interstate market, firm deliveries of natural gas account for 68 percent of anhydrous ammonia production and 32 percent is attributable to deliveries under interruptible contracts. The intrastate market shows firm deliveries of natural gas account for 88 percent of production with the remaining 12 percent of production attributable to deliveries under interruptible contracts.

The efficient and equitable allocation of limited natural gas supply to meet the demands of our industrial and agricultural economy has been impaired by the shortage of alternate supplies of substitutable fuels. Consequently, the unfulfilled demand for natural gas cannot be referred to other fuels to the same degree as in 1970–1972 when the shortfall of natural gas or substitutable fuels was not as widespread as currently and accordingly could not be filled by alternate fuels. We have instituted conservation policies to reduce effective demand for natural gas and electricity which currently consumes over 25 percent of our primary energy resources.[11]

Even if a national policy of conservation reduces electric energy and natural gas consumption by 10 percent, we are still confronted with a national economy of energy scarcity requiring equitable allocations to avoid economic dislocation. In a national energy emergency it is axiomatic that any increase in industrial consumption due to grant of relief from curtailment can be accomplished only by a corresponding diminution of consumption in some other section of the economy.

During the continuance of the national energy emergency, principles of balancing public and private benefits must evolve:

1. First, there must be equitable allocations among industries which utilize substitutable fuels, both by more efficient distribution as well as mandatory allocations.

2. If the basic feedstock for an end use is nonsubstitutable, as in the case of natural gas use for the production of nitrogen fertilizer or for other special applications in the petrochemical industry, there can be no reference to other fuels and the burden of the shortfall must either be equitably shared on a priority basis by the affected industries or a hard and critical choice must be made to grant a higher priority to the industry determined to be most important to the national welfare. Some of the factors bearing upon the resolution of this dilemma are the impact of the allocation of limited supply upon health and safety, employment, productivity, and the national security.

In the allocation of natural gas, unlike the mandatory allocation program for other fuels, the Federal Power Commission must determine priorities on the basis of an evidentiary record developed in a proceeding before the Commission as prescribed by the Natural Gas Act and the Administrative Procedures Act.

In order for this Commission to take meaningful and appropriate action as may be necessary and in the public interest, notice of the Senate Resolution is hereby given for the purpose of soliciting comments from all segments of the natural gas industry, their customers, consumers, and all other interested persons including State regulatory agencies. Specifically, we direct attention to points (1) and (2) of the Resolution and request that the comments be directed to those points as they apply to this Commission and its statutory responsibilities under the Natural Gas Act.

The Commission orders:

Persons wishing to file comments in this matter may do so by filing with the Secretary on or before April 5, 1974, an original and four copies.

By Direction of the Commission.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–6841 Filed 3–22–74;8:45 am]

[11] Order No. 496, issued November 29, 1973, Emergency Actions for Conservation of Petroleum and Natural Gas Fuel Resources by Electric Utilities, setting a targeted overall nationwide electric energy reduction of 10%, and Order No. 498, issued December 21, 1973, Further Emergency Procedures for Conservation of Natural Gas Directed to Natural Gas Pipeline Companies, Gas Distributors, State Commissions and Gas Consumers, implementing measures for the conservation of natural gas to develop methods of obtaining an objective of a reduction of 10% in the demand for natural gas by improving efficiency of gas utilization.

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[Docket No. E–8624]

## ARIZONA PUBLIC SERVICE CO.

### Filing and Suspending Proposed Fuel Adjustment Clause

MARCH 15, 1974.

On February 12, 1974, Arizona Public Service Company (APS) tendered for filing supplements to 14 wholesale rates schedules and 1 tariff which would include in these schedules and tariff a superseding Fuel Adjustment Clause. APS indicates that it is requesting an effective date of April 1, 1974. APS states that the proposed fuel adjustment clause would result in increased revenues of $4,189,813 (49.1 percent) for the period of April, 1974 through March, 1975.

APS also requests that, in the event the proposed new clause is not accepted, the existing clause be implemented in the interim until the proposed new clause becomes effective. The operation of the existing clause has been frozen since it was not certified pursuant to Order No. 437A–5 following the Phase I price freeze. Certification was not granted because the clause did not conform to the principles of § 35.14 of the Commission's regulations. Arizona states that due to its present tenuous financial position, it would be "seriously hurt" if additional revenues are not forthcoming.

The filing was noticed on February 27, 1974, with comments and petitions to intervene due on or before March 20, 1974. No comments or petitions were received.

Our review indicates that the proposed fuel cost adjustment clause does not conform to § 35.14 of the Commission's regulations. Section 35.14 of the regulations under the Federal Power Act requires that the cost of fuel shall include no items other than those in Account 151. The proposed clause includes items other than Account 151 items. Section 35.14 requires that the fuel adjustment shall apply only to that energy supplied from fossil fuel generation whereas the proposed clause expressly applies to nuclear and hydro generation. Further, § 35.14 states that the intent of the fuel clause is to reflect changes in the fuel components per kilowatt hour of delivered energy cost. The proposed clause is based on estimated costs and implicitly assigns total

system losses to the wholesale sales as opposed to the losses applicable to the wholesale customers.

Due to the possibility of APS' suffering substantial revenue loss as a result of continued operations without an effective fuel adjustment clause, we shall accept the proposed clause for filing, and suspend it one day. We shall require that APS file within 20 days amendments to its fuel clause to cure the previously discussed deficiencies. Upon receipt of such filing, and our review thereof, we shall issue such further orders as may be appropriate.

*The Commission finds:*

(1) It is in the public interest and it is necessary and appropriate to aid in the enforcement of the Federal Power Act that the fuel adjustment clause filed by APS on February 12, 1974, be accepted for filing and suspended for one day.

(2) APS should be required to file within 20 days of the issuance of this order amendments to the proposed fuel adjustment clause so as to cure the deficiencies enumerated herein.

*The Commission orders:*

(A) The fuel adjustment clause filed by APS on February 12, 1974, is hereby accepted for filing and suspended for one day, until April 2, 1974.

(B) Within 20 days of the issuance of this order, APS shall file amendments to the fuel adjustment clause accepted for filing herein so as to cure the deficiencies enumerated herein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74-6819 Filed 3-22-74;8:45 am]

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[Docket No. E-8187]

## BOSTON EDISON CO.

### Extension of Time and Postponement of Hearing; Correction

MARCH 14, 1974.

In the notice of extension of time and postponement of hearing and prehearing conference, issued March 8, 1974 and published in the FEDERAL REGISTER March 14, 1974, 39 FR 9858, please change the date of the Prehearing Conference from April 19 to "April 9".

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-6820 Filed 3-22-74;8:45 am]

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[Docket No. CP74-234]

## CITIES SERVICE GAS CO.

### Notice of Application

MARCH 20, 1974.

Take notice that on March 11, 1974, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74-234 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities on its transmission system presently used for service to Continental Oil Company's oil refinery located near Ponca City, Oklahoma, and for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and regulating facilities to allow for the continued service to said refinery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and reclaim regulating facilities and abandon in place approximately 9.81 miles of 6-inch and 7-inch gas pipeline in the Ponca City 6-inch line in Kay County, Oklahoma, and construct and operate approximately 5.62 miles of 6-inch gas pipeline and regulating facilities extending from the existing Burbank 16-inch and Shilder 12-inch pipelines to the Ponca City 6-inch line in Kay County, Oklahoma.

Applicant states that the proposed abandonment and construction is necessitated by the construction of the Kaw Reservoir on the Arkansas River in Kay and Osage Counties, Oklahoma. The estimated cost of the proposed facilities is $183,000 and the total reclamation cost for the proposed abandonment is $640. Applicant states that it will be reimbursed for the full amount of its abandonment and construction costs by the United States Army Corps of Engineers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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 and permission and approval for the proposed abandonment are 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.74-6822 Filed 3-22-74;8:45 am]

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[Docket Nos. E-7685, E-7798]

## CENTRAL VERMONT PUBLIC SERVICE CORP.

### Order Approving Rate Settlement

MARCH 19, 1974.

On October 10, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above separately docketed wholesale rate increase proceedings, together with the record relating thereto. The proposed settlement is jointly sponsored by Central Vermont and its wholesale customers. The settlement agreement, if approved, would resolve all issues in the proceedings, and would result in a reduction of approximately $631,492 annually in Central Vermont's presently effective rates for the period ending June 30, 1973.

Central Vermont filed its proposed increase in rates in Docket No. E-7685 on November 29, 1971. The new rate, designated Rate R, became effective after suspension and subject to refund on June 28, 1972. The proposed increase in Docket No. E-7798 was filed on November 1, 1972, and the new rate, designated Rate R-1, became effective after suspension and subject to refund on June 1, 1973. The Rate R increase amounted to approximately $751,000 annually while the R-1 increase amounted to approximately $278,000 annually, based on sales for years 1970 and 1971 respectively.

The Commission set hearings in both the Rate R and R-1 proceedings. The hearing on Rate R in Docket No. E-7685 is completed, and the Presiding Administrative Law Judge issued his initial decision on August 1, 1973. Hearings on Rate R-1 have not commenced. All further proceedings in both dockets have been deferred pending action on the proposed settlement agreement.

Notice of the proposed settlement agreement was issued on November 6, 1973, providing for the filing of comments by interested parties on or before November 23, 1973. No comments were received in response to the notice.

The principal provisions of the proposed settlement agreement may be summarized as follows:

(1) The settlement provides for separate rates to cover three successive periods. The first rate, designated modified Rate R, will apply from June 28, 1972, through May 31, 1973. The second rate, designated modified Rate R-1, will apply from June 1, 1973, through June 30, 1973. The third rate, designated Rate R-2, will apply during the period commencing July 1, 1973, and continuing until such rate is changed in accordance with the provisions of the Federal Power Act.

(2) The modified Rates R and R–1 provide a single rate for both full and partial requirements service. Rate R–2 provides separate rates for these types of service, designated Rates R–2F and R–2P, respectively.

(3) Billing determinants for demand charges under Rate R–2 will be based on hourly interval readings rather than 15 minute interval readings.

(4) The ratchet provision for partial requirements service under Rate R–2 will be 50 percent rather than 90 percent.

(5) There is a moratorium on the filing of any rate changes or rate complaints prior to January 1, 1974.

(6) The settlement provides for certain additional clarifying and perfecting modifications in the general terms and conditions of wholesale service.

The settlement rates are based on a settlement cost of service as set forth in Appendix II of the settlement agreement and summarized in Appendix A hereto. The settlement rates result in an indicated rate of return on Central Vermont's net investment rate base of 4.57 percent. We find the settlement costs, return, and resulting rates to be reasonable, and they are accordingly approved.

Based on our review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted by the parties, the evidence, and the transcripts of hearings and conferences which have been held, we conclude that the settlement agreement represents a reasonable resolution of the issues in these proceedings in the public interest, and that accordingly the settlement should be approved.

The Commission finds:

The settlement agreement certified by the Presiding Judge to the Commission in these dockets on October 10, 1973, should be approved and made effective.

The Commission orders:

(A) The settlement agreement certified by the Presiding Judge to the Commission in these dockets on October 10, 1973, is hereby approved and made effective.

(B) Within 30 days from the date of this order, Central Vermont shall file with the Commission revised tariff sheets and service agreements in conformity with the settlement agreement as herein approved.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Central Vermont or any person or party.

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

By the Commission.

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

APPENDIX A—CENTRAL VERMONT PUBLIC SERVICE CORPORATION, DOCKET NOS. E–7685, E–7798

SUMMARY COST OF SERVICE TEST YEAR 1971, COMBINED WHOLESALE SERVICE

1. Settlement Revenues, $3,236,030.
2. Operating Expenses, $3,061,853.
3. Operating Income, $174,177.
4. Rate Base, $3,808,478.
5. Rate of Return (line 3 ÷ line 4), 4.57 percent.

[FR Doc.74–6823 Filed 3–22–74;8:45 am]

[Docket No. CP74–233]

## COLUMBIA GULF TRANSMISSION CO.

### Notice of Application

MARCH 20, 1974.

Take notice that on March 11, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74–233 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Centerville Compressor Station located on Applicant's east supply lateral near Garden City, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its Centerville Station consisting of a 20,000 horsepower gas turbine-driven compressor unit and related facilities constructed to compress additional quantities of gas which Applicant anticipated receiving from offshore Louisiana. Applicant states that due to changes in delivery conditions the flow of gas to its Centerville Station has been substantially reduced and Applicant, therefore, has no present use for and does not anticipate any future use for the subject compressor facilities at the present location.[1] The application states that upon abandonment the compressor unit will be transferred to gas plant held for future use by Applicant. Applicant also intends to return to Ingersoll-Rand Company a standby compressor unit at the Centerville Station.

Applicant states that the cost involved in the return of the compressor unit is $166,500 and the estimated cost of retiring the other unit is $125,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 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 if filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are 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.*

[1] Applicant states offshore gas originally planned to be transported to its east lateral supply line is being transported through Applicant's west supply lateral and deliveries from producing fields attached to its east supply lateral are declining.

[FR Doc.74–6824 Filed 3–22–74;8:45 am]

[Docket No. E–8652]

## CONNECTICUT LIGHT AND POWER CO.

### Proposed Rate Schedule

MARCH 20, 1974.

Take notice that Connecticut Light and Power Company (CL&P), on March 6, 1974, tendered for filing a proposed Emergency Transmission Agreement, dated February 22, 1974, between CL&P, the City of Norwich, the Town of Wallingford, and the Second Taxing District, City of Norwalk.

The proposed rate schedule, CL&P alleges, provides for emergency transmission service to the municipal electric systems of the City of Norwich, Town of Wallingford and Second Taxing District, City of Norwalk, from the proposed effective date of February 22, 1974 until July 1, 1974, through CL&P's transmission facilities. CL&P states that this filing is in accordance with Part 35 of the Commission's regulations.

CL&P states that copies of this proposed schedule have been delivered to all those rendering or receiving service under such rate schedule.

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 be-

fore March 29, 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.74-6825 Filed 3-22-74;8:45 am]

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[Docket No. RP71-137, etc.]

## EL PASO NATURAL GAS CO. AND NORTHWEST PIPE LINE CORP.

### Order Granting Motion To Be Included as Party Applicant and for Redesignation of Proceedings

MARCH 19, 1974.

On January 18, 1974, Northwest Pipeline Corporation (Northwest) filed a motion before this Commission to be included as a party applicant, in addition to El Paso Natural Gas Company (El Paso), in the proceedings pending in Docket Nos. RP71-137, RP72-151, RP72-154, RP73-109, RP74-23 and RP74-43. Northwest further requested that such proceedings be redesignated to include Northwest as a party applicant effective January 31, 1974, the effective date of divestiture of El Paso's Northwest Division System to Northwest.

In accordance with the terms of divestiture, El Paso will be liable for any rate refund obligations applicable to the period up to divestiture irrespective of the date such refunds arise. Northwest will be liable for rate refund obligations, if any, applicable to the period subsequent to divestiture. Attached to Northwest's motion was an "Agreement and Undertaking" under which Northwest assumes responsibility and liability for any refunds which ultimately may be required in Docket No. RP73-109 applicable to the period subsequent to the date of divestiture.

*The Commission finds:*

(1) Since both El Paso and Northwest are to benefit by any rate increases that may be granted and are to be liable for refunds relating to their respective periods of ownership which may be required in the rate proceedings listed above, the granting of Northwest's motion to be included as a party applicant and for redesignation of those proceedings is in the public interest.

*The Commission orders:*

(A) Northwest Pipeline Corporation shall be included as a party applicant in those proceedings at Docket Nos. RP71-137, RP72-151, RP72-154, RP73-109, RP74-23, and RP74-43 effective January 31, 1974 and such proceedings shall be redesignated to reflect such change.

(B) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc. 74-6826 Filed 3-22-74;8:45 am]

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[Docket No. CP74-230]

## GALAXY ENERGIES, INC.

### Notice of Application

MARCH 20, 1974.

Take notice that on March 8, 1974, Galaxy Energies, Inc. (Applicant), 8561 Long Point Road, Suite 107, Houston, Texas 77055, filed in Docket No. CP74-230 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 Natural Gas Pipeline Company of America (Natural) at Natural's existing meter station in the Willmar Field, Willacy County, Texas, 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 to Natural up to 5,000 Mcf of gas per day with a gross heating value of at least 1,000 Btu per cubic foot on a dry basis for one year at 70.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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.74-6827 Filed 3-22-74;8:45 am]

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[Docket No. CP74-216 etc.]

## INTERSTATE TRANSMISSION ASSOCIATES ET AL.

### Notice of Applications

MARCH 20, 1974.

Take notice that on February 26, 1974, Interstate Transmission Associates (ITA), 720 N. Eighth Street, Los Angeles, California 90017, filed in Docket Nos. CP74-216 and CP74-217 applications pursuant to section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce for the account of Pacific Interstate Transmission Company (PacIn) and authorizing the construction, operation, maintenance, and connection of facilities at the international boundary to effect the importation of natural gas for PacIn from Canada into the United States. Take further notice that on February 26, 1974, PacIn, 720 N. Eighth Street, Los Angeles, California 90017, filed in Docket No. CP74-218 and CP74-219 applications pursuant to sections 7(c) and 3 of the Natural Gas Act, respectively, for a certificate of public convenience and necessity authorizing the sale for resale of imported Canadian natural gas to Northwest Pipeline Corporation (Northwest), El Paso Natural Gas Company (El Paso), and Southern California Gas Company (SoCal) and for an order authorizing the importation of natural gas from Canada into the United States. Take further notice that on February 28, 1974, Northwest, P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-221 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce and the transportation of gas for PacIn. Take further notice that on March 6, 1974, El Paso, P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-228 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce and the transportation of natural gas for

PacIn. These proposals are more fully set forth in the applications which are on file with the Commission and open to public inspection.

ITA proposes in Docket No. CP74–217 to construct and operate at the international boundary near Kingsgate, British Columbia, and Eastport, Idaho, 2.6 miles of 26-inch O. D. pipeline to connect the Canadian gas supply to its meter station, which is also to be constructed and operated at the Kingsgate import point.

ITA proposes in Docket No. CP74–216 to construct and operate a 26-inch O. D. pipeline of approximately 373 miles in length from a point near Kingsgate, British Columbia, through the states of Idaho and Washington to Rye Valley, Oregon. ITA proposes to construct and operate two 17,500 horsepower compressor stations on said pipeline in Boundary and Bonner Counties, Idaho, and two meter stations on said pipeline at Meacham and Rye Valley, Oregon. ITA requests, pursuant to a February 7, 1974, gas transportation agreement between it and PacIn, authorization to transport through the proposed facilities, commencing on or about November 1, 1974, a maximum of 443,000 Mcf [1] of the imported natural gas to be delivered for the account of PacIn to Northwest's system at the Meacham and Rye Valley meter stations. ITA states that the proposed transportation service will be rendered on a cost-of-service basis to assure recovery of costs. ITA further states that the proposed pipeline is designed to operate at a pressure of 1,680 psig.

ITA estimates that the total cost for the project in Docket Nos. CP74–216 and CP74–217 will be approximately $121,003,000, to be financed by the issuance of $91,664,000, of 8.5 percent first mortgage bonds and the receipt of $30,625,000, of partnership equity contributions.

PacIn in Docket No. CP74–219 seeks authorization to import approximately 402,800 Mcf of gas per day for a period of six years, commencing on or about November 1, 1974. PacIn indicated that it has contracted to purchase from Pan-Alberta Gas, Ltd. (Pan-Alberta), gas which will be produced in Alberta, Canada. PacIn states that it will pay Pan-Alberta 79.3 cents (Canadian) per Mcf at 14.65 psia for 92 percent of the gas delivered and 65.0 cents (Canadian) per Mcf at 14.65 psia for 8 percent of the gas delivered. PacIn states further that the gas will be imported near Kingsgate, British Columbia, through the facilities to be constructed and operated by ITA, and the PacIn will take possession and title to the gas upon importation.

PacIn in Docket No. CP74–218 proposes to sell the following volumes of the Canadian gas to:

(1) an average of 80,000 Mcf of gas per day to Northwest, to be delivered at Meacham and Rye Valley, Oregon;

(2) an average of 210,000 Mcf of gas per day to El Paso, the Btu equivalent of which is to be delivered to El Paso at Ignacio, Colorado; and

(3) an average of 107,500 Mcf of gas per day to SoCal, the Btu equivalent of which is to be delivered to SoCal at the California-Arizona border.

The applications in Docket Nos. CP74–218, CP74–221 and CP74–216 indicate that these deliveries will be made pursuant to existing transportation agreements between PacIn and ITA, as hereinbefore described, and between PacIn and Northwest.

Northwest in Docket No. CP74–221 proposes to construct and operate a total of 49 miles of 30-inch pipeline, looping its existing 22-inch pipeline, in three separate segments in the states of Oregon and Idaho, two new 7,200 horsepower compressor stations in Baker County, Oregon, and Elmore County, Idaho, stations and one new 2,400 horsepower compressor station on its existing pipeline in Twin Falls County, Idaho, 1,000 additional compressor horsepower at its existing Elmore County Compressor station, and 3,500 additional compressor horsepower at its existing Canyon County, Idaho, compressor station. Northwest proposes to utilize these facilities to effectuate the transportation agreement, dated February 7, 1974, in order to receive its own saleable volume of 88,000 Mcf per day of imported gas, as well as the remaining average volume of 317,500 Mcf per day of imported natural gas it has agreed to transport for the account of PacIn to El Paso's system at Ignacio, Colorado. Northwest requests authorization to transport a maximum daily volume of 342,000 Mcf, or such greater amount as it may through its best efforts be capable of transporting through its system. Northwest states that the volumes to be delivered to El Paso will be adjusted for heating value so that the quantity of heating units delivered to El Paso is the same as those which are received from PacIn. Northwest indicates that PacIn will pay Northwest 10.77 cents per Mcf transportation charge for the gas delivered to El Paso.

Northwest estimates that the cost of the facilities to be constructed will be $23,052,000, which will be financed initially from cash on hand, cash generated from operations and short-term borrowing, which borrowing will be refinanced through the issuance of intermediate and long-term debt securities.

El Paso in Docket No. CP74–228 proposes to construct and operate two 3,350 horsepower gas turbine-driven centrifugal compressor units to be located adjacent to El Paso's Blanco Field Plant on the 24-inch Blanco-to-Ignacio pipeline, two 7,800 horsepower gas turbine-driven compressor units at El Paso's Blanco Field Plant, a 16-inch O. D. check meter run with appurtenances at the Blanco Field Plant. El Paso further proposes the relocation of a 24-inch check meter run from the 24-inch Blanco-to-Ignacio pipeline to a point 500 feet from the Blanco-Ignacio pipeline. All the subject construction and relocation is to occur in San Juan County, New Mexico. El Paso proposes to utilize these facilities to effectuate the transportation and sales agreement, dated February 7, 1974, in order to receive its own saleable volumes of 210,000 Mcf per day of imported gas, as well as the remaining average volume of 107,500 Mcf of imported natural gas it has agreed to transport for the account of PacIn to SoCal's system at Topock, Arizona. El Paso indicates that PacIn will pay El Paso 13.58 cents per Mcf transportation charge for the gas delivered to SoCal.

El Paso estimates the cost of the facilities to be $7,122,803, which will be financed from working funds supplemented, as necessary, by short-term borrowing.

PacIn states that the cost of the imported Canadian natural gas delivered over the six-year life of the project will be 104 U.S. cents per Mcf to Northwest, 114 U.S. cents per Mcf to El Paso, and 128 U.S. cents per Mcf to SoCal.

The Applicants assert that these proposals are required to assure adequate service on the systems of Northwest, El Paso and SoCal and to offset curtailments on their systems.

PacIn states that it is a wholly owned subsidiary of Pacific Lighting Corporation, and that it and Northwest Energy Company, a wholly owned subsidiary of Northwest, have entered into a partnership to create ITA. PacIn states that the capital for the partnership is contributed 51 percent by PacIn and 49 percent by Northwest Energy Company.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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 the applications in Docket Nos. CP74–216, CP74–218, and CP74–228 if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required

[1] The transportation agreement between ITA and PacIn indicates that a maximum of 443,100 Mcf per day will be transported in the months of November, December, January, February, and March of each year, and in all other months 402,800 Mcf per day will be transported.

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 Applicants in Docket Nos. CP74–216, CP74–218, and CP74–228 to appear or be represented at the hearing.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–6840 Filed 3–22–74;8:45 am]

[Docket No. CS72–927]

## KALDA CO.

### Petition of Waiver of Regulations

MARCH 19, 1974.

Take notice that on February 4, 1974, as amended on February 27, 1974, KALDA Company (Petitioner), 308 City National Building, Wichita Falls, Texas 76301, filed a request in Docket No. CS72–927, that the Commission waive in part paragraph (c) of § 157.40 of the regulations under the Naural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under its small producer certificate in said docket from reserves in place acquired from Skelly Oil Company (Skelly), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Section 157.40(c) provides in part that sales of natural gas may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that it acquired from Skelly certain interests in the Bethany-Longstreet Field, DeSoto Parish, Louisiana, and would like to continue the sale of gas therefrom to Arkansas Louisiana Gas Company (Arkla) under its small producer certificate. Petitioner indicates monthly deliveries of gas at approximately 40,000 Mcf from said interest. The present sale of gas by Skelly to Arkla is covered by certificate authorization granted in Docket No. G–4327. Petitioner states that it is willing to accept a price, not in excess of the applicable FPC area ceiling rate, for this sale.

Any person desiring to be heard or to make any protest with reference to said request should on or before April 8, 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.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–6828 Filed 3–22–74;8:45 am]

[Dockets Nos. E–8394, E–8439]

## METROPOLITAN EDISON CO.

### Order Amending Prior Order

MARCH 18, 1974.

On January 29, 1974 the Commission issued an order in this Docket denying Metropolitan Edison's applications for rehearing, accepting revisions to its previously tendered agreement and granting waiver of Commission Regulations. In ordering paragraph (B) of the order, in accepting for filing Metropolitan Edison's revised fuel adjustment clause and Exhibits (B) and (B–1) we identified them as being those tendered on December 10, 1973. The correct description is those tendered on December 10, 1973 as amended December 21, 1973. We will order this correction.

The Commission orders:

(A) At ordering paragraph (B) of the Commission order of January 29, 1974 in this Docket, "as amended December 21, 1973" shall be inserted immediately following the words "December 10, 1973".

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.74–6829 Filed 3–22–74;8:45 am]

[Docket No. E–8651]

## MINNESOTA POWER & LIGHT CO.

### Notice of Application

MARCH 19, 1974.

Take notice that on March 4, 1974, Minnesota Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the Company to enter into a Power Sales and Interconnection Agreement with Square Butte Electric Cooperative, Inc. (Square Butte) or, in the alternative, determining that the Company, by entering into the Power Sales and Interconnection Agreement is not issuing any security, or any obligation or liability as guarantor endorser, surety or otherwise in respect of any security of any other person, within the meaning of section 204 of the Federal Power Act.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

Square Butte proposes to construct a steam electric generating unit with a net capability of approximately 400,000 kilowatts, to be located at Center, North Dakota, and, in connection therewith, certain transmission facilities (with interconnecting transmission lines) to be located at Center and Duluth, Minnesota. The generating plant and transmission facilities will be financed by first mortgage bonds issued by Square Butte under an indenture and sold to certain lending institutions and two equipment trusts, covering real and personal property in the States of North Dakota and Minnesota, which trusts will issue certificates evidencing investments therein by certain banks. The total cost of the generating plant and transmission facilities is presently estimated to be $216,400,000.

The Power Sales and Interconnection Agreement will provide for the purchase by Applicant of certain portions of the electric output of Square Butte over an initial term of 30 years. Applicant will make payments to Square Butte in amounts sufficient to cover Square Butte's operating, maintenance and administrative expenses, certain taxes, and the obligations under the indenture and equipment trusts.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the 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.74–6830 Filed 3–22–74;8:45 am]

[Docket Nos. R–474 and RP71–119]

## PANHANDLE EASTERN PIPE LINE CO.

### Order Denying Petitions

MARCH 19, 1974.

On January 22, 1973, the General Service Customer Group (GSC)[1] and Michi-

[1] The General Service Customer Group consists of the following companies: Associated Natural Gas Company, Battle Creek Gas Company, Bowling Green Gas Company, Central Illinois Light Company, Central Illinois Public Service Company, Central Indiana Gas Company, Inc., Citizens Gas & Coke Utility, Citizens Gas Fuel Company, Illinois Power Company, Indiana Gas Company, Inc., Kokomo Gas and Fuel Company, Missouri Utilities Company, Ohio Gas Company, Richmond Gas Corporation and The Toledo Edison Company. For purposes of this petition, GSC does not include Citizens Gas Fuel Company, Kokomo Gas and Fuel Company and Richmond Gas Corporation.

gan Gas Utilities Company (MGU) filed petitions pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission amend § 2.78(c)[2] of its general policy and interpretations to include propane and other gaseous fuels as alternate fuels within the scope of the definition of "alternate fuel capability" set forth in the latter section.[3] These petitioners request in the alternative that the Commission pursuant to § 1.7(c) of its rules issue a declaratory order in Docket No. RP71–119 requiring that propane be considered as an alternate fuel in order to assure that there is no "firming-up" of a portion of Panhandle's industrial sales. They contend that the exclusion of propane as an alternate fuel by the Commission in Order No. 493–A would in effect be in contravention of certain outstanding certificate orders of this Commission and result, to some extent, in the alteration of the character of the service that was authorized for Panhandle's direct customers.

In Order No. 493–A, Docket No. R–474 issued on October 29, 1973, the Commission noted that the definitions and interpretive comments it had promulgated in that docket were the products of a general rule making proceeding which would not, in the absence of further proceedings, have an effect on any specific person. The Commission prior to issuing this order gave due consideration to the numerous comments tendered by interested parties relating to that proceeding. The aforementioned petitions requesting that we include propane within the scope of our definition "alternate fuel capability" contain no new impelling reason that we had not already considered prior to the promulgation of § 2.78(c) in its present form. The Commission will, therefore, deny GSC's request to amend § 2.78(c) of its general policy and interpretations. However, we will continue to review the alternate fuel situation and, take such future action as may be deemed necessary and appropriate.

These petitioners request in the alternative that the Commission issue a declaratory order pursuant to § 1.7(c) of its rules making § 2.78(c) inapplicable to the curtailment procedures being established for Panhandle in Docket No. RP 71–119. They claim that, if propane is permitted to be included as an alternate fuel within this definition of "alternate fuel capability", a portion of Panhandle's direct industrial sales may be treated as being firm in nature contrary to the Commission's certificate orders relating to such sales.

The proceeding relating to a permanent curtailment plan for Panhandle is presently in formal hearing before a duly designated Administrative Law Judge. The matters raised by GSC are issues that can be raised in the curtailment proceeding and, upon completion of the evidentiary record therein, all issues raised in that proceeding, including the instant issue, will be before us for determination.

Petitioners' contention that our action in essence has amended outstanding certificates lacks merit. The guidelines and definitions promulgated in Order No. 493, as amended, relate to curtailment situations and, therefore, are not in contravention of any outstanding certificate orders, since they do not permanently alter any service certificated by us. Those certificates are and will continue to serve as the basis for the rendition of service by jurisdictional pipelines and are subject to the Commission's continuing scrutiny and supervision. Furthermore, our power and responsibility to meet the public's needs under the conditions of the Nation's present critical shortfall of natural gas supply by means of allocating the available supply on a jurisdictional pipeline's system among its customers has been sustained by the Courts. (*FPC* v. *Louisiana Power and Light Company*, 406 US 621, *American Smelting and Refining Company, et al.* v. *FPC*, D.C. Cir. No. 72–2204 decided January 21, 1974.)

We shall, therefore, deny petitioners request at this time without prejudice. Petitioners may, if they desire, raise this issue in the record being developed in Docket No. RP71–119 relating to an appropriate curtailment plan for Panhandle. If raised therein, we will then review the issue within the context of the record of that proceeding when it comes before us. However, Petitioners have failed to establish in their petitions any appropriate basis which would compel us to prohibit Panhandle, in the implementation of its currently effective curtailment plan, from treating propane and other gaseous fuels in a manner contrary to the definitions and interpretative comments that we have promulgated in Order No. 493, as amended.

The Commission orders:

The petitions filed by the General Service Group customers and Michigan Gas Utilities Company on January 22, 1974, in Docket Nos. R–474 and RP71–119 are hereby denied without prejudice.

By the Commission.

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

[FR Doc.74–6839 Filed 3–22–74;8:45 am]

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[Docket No. E–8645]

## PUGET SOUND POWER & LIGHT CO.

### Filing of Agreement

MARCH 19, 1974.

Take notice that on March 7, 1974 Puget Sound Power and Light Company (PSP) tendered for filing an agreement between PSP and San Diego Gas and Electric Company (SDG). The said Agreement is for the sale of energy by PSP to SDG. The rates for and the amounts of such energy will be established by the parties, but in no event will the rate exceed six mills per kilowatt-hour at the point of delivery, the Oregon-California border.

PSP requests an effective date of March 1, 1974 for this Agreement.

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 should be filed on or before March 29, 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.

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

[FR Doc.74–6831 Filed 3–22–74;8:45 am]

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[Docket No. E–8251]

## NEW ENGLAND POWER CO.

### Order Denying Motion for Clarification and Reconsideration

MARCH 19, 1974.

On February 7, 1974, the Commission denied a request of New England Power Company (NEPCO) to assign an effective date of January 1, 1974 to an amendment to its June 1, 1973, rate increase filing to include therein cost adjustment clauses for energy and demand reduction resulting from the national fuel conservation program. The February 7, 1974, order also instituted an investigation pursuant to Section 206 of the Federal Power Act to determine if the proposed amendment is in the public interest and if such clause should be given prospective effect. Finally, this order permitted the intervention of Congressman Michael J. Harrington.

On February 19, 1974, Congressman Harrington filed with the Commission testimony which was accompanied by a Motion wherein Congressman Harrington objects to, and requests clarification of, the "limitation placed on (his) rights as an intervenor in the Commission order of February 7, 1974." Such limitations, according to Congressman Harrington, do not permit the full protection of his rights and the rights of his constituents, particularly as to the presentation of any right to appeal future Commission orders.

Ordering paragraph (E) of the February 7, 1974, Commission order provides, among other things, that the participation of Congressman Harrington (1) "shall be limited to matters affecting rights and interests specifically set forth in his petition to intervene" and that (2) "the admission of such intervenor shall not be construed as recognition by the Commission that it may be

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[2] 18 CFR 2.78(c).

[3] Order 493A excluded propane or other gaseous fuel from the definition of "alternate fuel capability," when the use was for plant protection, feedstock, or process uses. The exclusion was not applicable when the use was for other purposes

aggrieved because of any order or orders issued by the Commission in this proceeding."

With respect to (1), *supra*, this requirement is for the purpose of giving all parties to the proceeding adequate notice as to what rights and interests are represented by the intervening party. We do not believe that such a requirement in any way restricts Congressman Harrington in protecting his rights and the rights of his constituents.

With respect to (2), *supra*, this requirement merely directs that the admission of an intervenor does not constitute recognition by the Commission that such intervenor may be aggrieved because of any order the Commission should issue in this proceeding. This does not restrict Congressman Harrington's right to appeal, pursuant to section 313 (b) of the Federal Power Act, any future Commission orders which may aggrieve him. Therefore, we shall deny Congressman Harrington's motion for clarification of our February 7, 1974 order.

On February 20, 1974, Rhode Island Consumers' Council (Council) filed with the Commission a motion for reconsideration of the February 7, 1974 order. Council stated that since the proposed amendment is a request for a new rate, the Commission must either accept, reject or suspend the rate pursuant to section 205 of the Federal Power Act, or the rate would go into effect without being subject to refund. Therefore, Council requested that the proposed amendment be rejected.

Council is incorrect in assuming that we accepted NEPCO's proposed amendment as a new rate filing pursuant to section 205 of the Federal Power Act. To the contrary, the Commission, in instituting a section 206 investigation upon its own motion, declined to waive the provision in § 35.17(b) of the Commission's regulations which prohibits a change in a rate schedule which has been suspended. Council, or any other interested party, is not prejudiced by the action taken by this Commission in our February 7, 1974, order since the cost adjustment clause proposed by NEPCO may only be placed in effect prospectively if it is found to be in the public interest upon issuance of a final Commission order and the conclusion of the section 206 investigation and the hearings conducted thereunder. Therefore, we shall deny Council's motion for reconsideration of our February 7, 1974, order.

The Commission orders:

(A) Congressman Harrington's motion for clarification of our February 1, 1974, order is hereby denied.

(B) Council's motion for reconsideration of our February 7, 1974, order is hereby denied.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc. 74-6832 Filed 3-22-74;8:45 am]

[Docket No. RI74-78]

## NUTT, T. L.

### Order Granting Special Relief

MARCH 18, 1974.

On November 5, 1973, T. L. Nutt (Nutt), a small producer [1] filed a petition for special relief pursuant to Section 2.76 of the Commission's general policy and Interpretations as adopted in Commission Order No. 481.[2] Concurrently Nutt filed a Notice of Independent Producer Rate Change and an Agreement dated October 22, 1973, which amended a gas purchase contract dated May 29, 1957. The initial contract is on file with the Commission as Sun Oil Company FPC Gas Rate Schedule No. 339 and supplements thereto. Nutt is a successor in interest to this contract in an assignment dated April 28, 1972, accepted for filing effective May 1, 1972, and designated as Supplement No. 11 to the Sun FPC Gas Rate Schedule No. 339. As a small producer, Nutt does not have rate schedule on file at the Commission. Sales are made to Northern Natural Gas Company (Northern).

Notice of Nutt's application was issued December 12, 1973, and published in the FEDERAL REGISTER on December 21, 1973 (38 FR 35053). Petitions to intervene were due on or before December 27, 1973. No petitions to intervene were filed with the Commission.

Nutt shows that at the current sales rate of 16.5 cents per Mcf the lease cannot remain economically feasible as the result of an increase in the sales line pressure from 350 psig to 460 psig. The cost of installation, maintenance, and operation of compression facilities necessary to recover the 471,000 Mcf estimated remaining reserves is $31,675, a cost of 6.7 cents per Mcf. The request for a rate increase from 16.5 cents to 22.5 cents per Mcf, a 6.0 cents increase, is cost justified in order to prevent early abandonment of the wells.

On the purchase of Sun's interest in the wells covered by this petition, Nutt was granted a waiver, in part, of § 157.40 (c)[3] to sell the gas from leases acquired from Sun to Northern under a small producer certificate at a rate not to exceed the applicable area rate which in the Hugoton-Anadarko Area is 18.5 cents per Mcf for gas sold under contracts dated prior to November 1, 1969. It is just and reasonable to now waive § 157.40(e)[4] of the Regulations Under the Natural Gas Act and to permit the sale of natural gas at the rate of 22.5 cents per Mcf by Nutt to Northern.

Section 2.76 of the Commission's general policy and interpretations was promulgated by the Commission " * * * in order to promote the optimum recovery of gas reserves * * * " We find that the instant petition is consistent with the purposes of § 2.76 and that the petition sets forth adequate economic justification for approval of Nutt's request for a rate increase of 6 cents per Mcf from 16.5 cents to 22.5 cents per Mcf.

*The Commission finds:*

The petition for special relief filed by T. L. Nutt meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

*The Commission orders:*

(A) For the above-stated reasons, the petition for special relief of T. L. Nutt is hereby granted. Nutt may collect a rate of 22.5 cents per Mcf for all gas subject to the amended contract referred to herein.

(B) The prescribed rate will be made effective upon Nutt filing of a sworn statement signed by Northern Natural Gas Company that the compression facilities as described in the application are installed and made operative.

By the Commission.

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

[FR Doc.74-6833 Filed 3-22-74;8:45 am]

[1] A small producer certificate was granted Nutt on June 22, 1971 in Docket No. CS71-140 (lead Docket No. CS71-59, *et al.*).

[2] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 FPC ____ (issued April 12, 1973), as amended by Order Amending Order No. 481 And Granting And Denying Petitions For Rehearing, 49 FPC ____ (issued June 8, 1973).

[3] 18 CFR 157.40(c); Regulations Under the Natural Gas Act.

[4] 18 CFR 157.40(e).

[Project No. 553]

## CITY OF SEATTLE

### Notice Changing Date of Hearing

MARCH 19, 1974.

On February 4, 1974, an order was issued ruling on Staff Motion for an extension of time and fixing the hearing for Monday, April 15, 1974.

Upon consideration, notice is hereby given that the hearing date is postponed to Tuesday, April 16, 1974, (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-6821 Filed 3-22-74;8:45 am]

[Docket No. CP73-129]

## TENNESSEE GAS PIPELINE CO.

### Petition To Amend and Request for Waiver of Regulations

MARCH 18, 1974.

Take notice that on March 1, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73-129 a petition to amend the order of the Commission issued in said docket on March 27, 1973 (51 FPC ——), pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder, to waive the total project cost limitation of $7,000,000 contained therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued March 27, 1973, a budget-type certificate of public convenience and necessity was issued authorizing the construction during the calendar

year 1973 and the operation of certain natural gas facilities to enable Petitioner to take into its certificated main pipeline system natural gas purchased from producers thereof. Said order limits the total expenditures for facilities to $7,000,000 and limits the maximum expenditure for single onshore and offshore projects to $1,000,000 and $1,750,000, respectively.

Petitioner states that it has exceeded the $7,000,000 total project cost limitation by $85,195, which is primarily attributable to the Bay Lizette project. Inasmuch as these expenditures are in excess of the certificate-imposed expenditures for facilities, Petitioner requests waiver of said limitation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 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.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74-6834 Filed 3-22-74;8:45 am]

[Docket No. RI74-143]

## TEXAS ENERGIES, INC.

### Order Granting Petition for Special Relief

MARCH 18, 1974.

On January 31, 1974, Texas Energies, Inc. (Texas Energies), a small producer,[1] filed a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations as adopted in Commission Order No. 481.[2] Concurrently Texas Energies filed a motion asking the Commission to declare that no petition under Order No. 481 was required of small producers.

Notice of Texas Energies' application was issued February 4, 1974, and published in the FEDERAL REGISTER on February 8, 1974 (39 FR 4956). Petitions to intervene were due on or before February 20, 1974. No petitions to intervene were filed with the Commission.

In the instant petition Texas Energies seeks special relief for the economic expenditures for the installation of retreatment and water disposal equipment at its Peter's No. 1 well in Seward County, Kansas (Hugoton-Anadarko Area). The natural gas is currently sold to Panhandle Eastern Pipeline Company (Panhandle) under a contract dated December 19, 1960. In an amendment to the contract dated December 10, 1973,[3] Panhandle agreed to increase the purchase price from 16 cents per Mcf to 35 cents per Mcf provided that Texas Energies perform the necessary remedial work.

Texas Energies shows that an investment in the retreatment and water disposal equipment of $17,190.23 and operating expenses (excluding taxes) of $13,350.00 will enable it to produce an additional 90,000 Mcf over the next two and one-half years. Without the remedial work only 30,000 Mcf from the estimated reservoir of 120,000 Mcf allegedly could be recovered.

Staff studies, which employed the cost evidence provided by Texas Energies, indicate that the proposed 35 cents increase is proper. Since Texas Energies filed its petition pursuant to Order No. 481, its motion requesting the Commission to declare that a small producer need not make such a filing under Order No. 481 to increase its rate to the contract level is not dispositive herein. However, we deem it advisable to state that Texas Energies' point is well taken, and if it were necessary to grant its motion to decide this matter we would do so.

Section 2.76 was promulgated by the Commission "* * * in order to promote the optimum recovery of gas reserves * * *." We find that the instant petition is consistent with the purpose of § 2.76 and sets forth adequate economic justification for approval.

The Commission finds:

The petition for special relief of Texas Energies, Inc. meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

The Commission orders:

(A) For the reasons stated above, the petition for special relief of Texas Energies is hereby granted. Texas Energies may collect a rate of 35 cents per Mcf at 14.65 psia, for all gas subject to the contract, as amended, referred to herein.

(B) The prescribed rate will be made effective on the first day of the month following submittal by Panhandle, in accordance with the parties' contract, of proof that Texas Energies has completed the proposed capital improvements described in said petition for special relief.

By the Commission.

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

[FR Doc.74-6835 Filed 3-22-74;8:45 am]

[Docket No. RP71-100]

## TRUNKLINE GAS CO.

### Order Granting Interventions, Denying Motion by Customer, Providing for Additional Intervention Setting Date for the Filing of Evidence and Hearing Date

MARCH 19, 1974.

On April 9, 1971, Trunkline Gas Company (Trunkline) filed tariff sheets to implement its proposed pro-rata curtailment plan. These tariff filings were suspended until July 12, 1971, by order issued May 10, 1971. Trunkline has been curtailing continuously since November 1971, under this plan which assesses curtailments pro-rata on its jurisdictional customers purchasing under Rate Schedules P and G contract demand.

Not included in Trunkline's curtailment program are minor sales, mostly to small general service customers, which represents 1.8 percent of 1972 system sales.

On November 2, 1973, Consumers Power Company (Consumers), a major customer of Trunkline's, filed a motion for an order directing Trunkline to make immediate tariff filings implementing an end-use curtailment plan in compliance and conformity with the end-use priorities contained in § 2.78 of the Commission's rules and that the order make such tariff filings effective immediately. Consumers argues that Trunkline is required to file an end-use plan consistent with § 2.78, and that Trunkline is the only major pipeline which has not filed such a plan despite increasing gas supply deficiencies. However, Order No. 467-B, which implemented § 2.78, is merely a policy statement setting forth our views on curtailment for guidance and does not require pipeline companies to file any conforming tariff sheets.

Accordingly, we decline to order Trunkline to replace its existing pro-rata curtailment plan with an end-use plan implementing Order No. 467-B guidelines, at least until the merits of the Trunkline plan have been considered. But we shall direct that Trunkline file as part of its direct presentation system-wide end-use data for our consideration. In this regard, we adhere to our views set forth in our order issued February 1, 1974 in Texas Eastern Transmission Corporation[1] in which we stated that the failure of a pipeline company to submit data of this nature has as its unsatisfactory result the placing of the burden of proof on the customers of the pipeline and on the Commission Staff. It is our intent that a pipeline company has the burden of showing through detailed testimony and exhibits the manner in which an Order No. 467-B type end-use plan might or might not be implemented on its system. Such a submission is obviously without prejudice to any position it may take on the just and reasonable plan to be implemented on its system.

The following petitions to intervene have been filed:

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[1] A small producer certificate was granted Texas Energies on February 3, 1972, in Docket No. CS72-428 (lead Docket No. CS68-15, *et al.*).

[2] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 FPC ____ (issued April 12, 1973), as amended by Order Amending Order No. 481 And Granting And Denying Petitions For Rehearing, 49 FPC ____ (issued June 8, 1973).

[3] Texas Energies is successor in interest to this contract.

[1] Docket No. RP71-130, *et al.*, ___ FPC ____.

Michigan Public Service Commission
Michigan Gas Utility Company
Central Illinois Light Company
Mississippi River Transmission Corporation
Consumers Power Company
Northern Indiana Public Service Company
Illinois Power Company
United Fuel Gas Company and Ohio Fuel Gas Company
Citizens Gas Fuel Company
Indiana Gas Company, Inc.
Battle Creek Gas Company
City of Indianapolis
Central Indiana Gas Company, Inc.
Toledo Edison Company
General Motors Corporation
Laclede Gas Company
Texas Gas Transmission Corporation
General Service Customer Group

All of the above petitions should be granted. However, in view of the elapsed time since the filing of the Trunkline Plan, and in view of the subsequent issuance of Order No. 467–B, the present interests of intervenors and potential intervenors may vary significantly from their interests in 1971. Accordingly, it is desirable that an opportunity be afforded for additional intervention, and we shall so order.

The Commission finds:

(1) It is desirable and in the public interest to allow all of the above-named petitioners to intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The Motion of Consumers Power Company to require a refiling by Trunkline should be denied.

(3) It is necessary and appropriate that the proceeding in Docket No. RP71–100 be set for hearing and that the procedures for that hearing be established as hereinafter ordered.

The Commission orders:

(A) 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 petition for leave to intervene, and provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Trunkline Gas Company shall file and serve on or before June 3, 1974, testimony and exhibits in support of its position and, as part of its presentations, shall present evidence on system-wide end-use data.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act (particularly sections 4, 5, and 15 thereof), and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 on July 16, 1974, at 10:00 a.m., concerning the matters involved in and the issues presented by the Trunkline curtailment plan.

(D) Pursuant to § 2.64(c) of the Commission's rules of practice and procedure, Trunkline shall serve copies of their filings upon all intervenors promptly, unless such service has already been effected pursuant to Part 157 of the Regulations of the Natural Gas Act.

(E) The Motion of Consumers that Trunkline be required to refile its curtailment plan is denied.

(F) All interested persons desiring to be heard in this proceeding who are not already parties may file appropriate petitions to intervene on or before April 9, 1974.

By the Commission.

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

[FR Doc.74–6836 Filed 3–22–74;8:45 am]

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[Docket No. CP74–231]

## UNITED GAS PIPE LINE CO.

### Notice of Application

MARCH 19, 1974.

Take notice that on March 8, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74–231 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of a 3.4-mile segment of 6-inch pipeline in the Ship Shoal Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization for the continued operation of 3.4 miles of 6-inch pipeline which extends from a point in Block 186, Ship Shoal Area, offshore Louisiana, to a point of interconnection with Transcontinental Gas Pipe Line Corporation's (Transco) 26-inch pipeline located in Block 185, Ship Shoal Area, offshore Louisiana. The application states the facilities were constructed, under the belief that they were authorized under the budget-type certificate issued in Docket No. CP73–103 under § 157.7(b) of the regulations under the Natural Gas Act (18 CFR 157.7(b)), to allow Applicant to receive certain volumes of natural gas available to it in Block 186 from Penzoil Producing Company (Penzoil) pursuant to the terms of a sales agreement dated August 28, 1973, between Penzoil and Applicant. Under the terms of this contract Applicant agrees to purchase and Penzoil to sell quantities of gas for delivery at a point on Consolidated Gas Supply Corporation's production platform located in Block 186. Applicant states that it had no facilities in the area of Block 186 and therefore, in order to receive such gas constructed the facilities for which authorization is sought herein to connect such supply with Transco's 26-inch pipeline in Block 185. Applicant entered into an agreement with Transco dated October 26, 1973, whereby Transco would transport said gas from Block 185 through its system and redeliver the gas to Applicant onshore in Terrebonne Parish, Louisiana.

Applicant states that the total cost of the facilities proposed herein was $452,530 which cost Applicant has financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 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) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless other otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
*Secretary.*

[FR Doc.74–6837 Filed 3–22–74;8:45 am]

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[Docket No. E–8656]

## UTAH POWER & LIGHT CO.

### Filing of Rate Schedule

MARCH 19, 1974.

Take notice that on March 8, 1974 Utah Power and Light Company (Utah) tendered for filing Service Schedule C–1, submitted as Supplement 3 to its Rate Schedule FPC No. 108, in Interconnection Agreement dated May 19, 1971 between Utah and Sierra Pacific Power Company (Sierra). Utah also tendered for filing Twelfth Revised Sheet No. 1 and Eighth Revised Sheet No. 15 to its FPC Electric Tariff, Original Volume No. 1. Utah requests a retroactive effective

date of October 1, 1973 for said Schedule and Revised Sheets.

Utah states that Service Schedule C–1 was signed as part of the Interconnection Agreement but was not submitted for filing at that time because Utah had no rate schedule to cover Firm Power Service nor was such service expected to be utilized until October 1, 1974. Utah further states that Sierra began to take firm power service in October, 1973. The rates for such service by Utah were submitted as its FPC Tariff Schedule RS–3 for filing in Docket No. E–8379 which is now pending acceptance of the filing.

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 March 29, 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.74-6838 Filed 3-22-74;8:45 am]

## FEDERAL TRADE COMMISSION

### CIGARETTE TESTING RESULTS

#### Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 128 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

*Tar [1] and nicotine [2] content of one-hundred twenty-eight (128) varieties of domestic cigarettes, Federal Trade Commission: March 1974*

| Brand | Type | TPM dry tar [1] (milligrams per cigarette) | Nicotine [2] (milligrams per cigarette) |
|---|---|---|---|
| Alpine | King size, filter, menthol | 14 | 0.9 |
| Do | 100 mm, filter (hard pack) | 15 | .9 |
| Belair | King size, filter, menthol | 15 | 1.1 |
| Do | 100 mm, filter, menthol | 17 | 1.2 |
| Benson & Hedges | Regular size, filter (hard wide pack) | 9 | .6 |
| Do | King size, filter (hard wide pack) | 15 | 1.1 |
| Benson & Hedges 100's | 100 mm, filter | 18 | 1.2 |
| Do | 100 mm, filter, menthol | 18 | 1.2 |
| Bull Durham | King size, filter | 30 | 2.0 |
| Camel | Regular size, nonfilter | 23 | 1.5 |
| Camel Filters | King size, filter | 19 | 1.3 |
| Carlton 70's [3] | Regular size, filter | 1 | .1 |
| Carlton | King size, filter | 4 | .3 |
| Do | King size, filter menthol | 3 | .3 |
| Chesterfield | Regular size, nonfilter | 25 | 1.5 |
| Do | King size, nonfilter | 29 | 1.8 |
| Do | King size, filter | 19 | 1.4 |
| Do | King size, filter, menthol | 18 | 1.3 |
| Do | 101 mm, filter | 19 | 1.4 |
| Domino | King size, nonfilter | 26 | 1.3 |
| Do | King size, filter | 21 | 1.2 |
| Doral | do | 14 | 1.0 |
| Do | King size, filter, menthol | 14 | 1.0 |
| DuMaurier | King size, filter (hard wide pack) | 16 | 1.1 |
| Edgeworth Export | King size, filter (hard pack) | 22 | 1.7 |
| Do | 100 mm, filter | 20 | 1.4 |
| English Ovals | Regular size, nonfilter (hard wide pack) | 23 | 1.7 |
| Do | King size, nonfilter (hard wide pack) | 29 | 2.1 |
| Eve | 100 mm, filter | 18 | 1.3 |
| Do | 100 mm, filter, menthol | 17 | 1.2 |
| Fatima | King size, nonfilter | 28 | 1.8 |
| Frappe | King size, filter, menthol | 11 | .5 |
| Galaxy | King size, filter | 18 | 1.2 |
| Half & Half | do | 25 | 1.8 |
| Herbert Tareyton | King size, nonfilter | 30 | 1.8 |
| Home Run | Regular size, nonfilter | 19 | 1.6 |
| Iceberg 10 | King size, filter, menthol | 9 | .6 |
| Kent | King size, filter (hard pack) | 15 | .9 |
| Do | King size, filter | 16 | 1.0 |
| Do | 100 mm, filter | 18 | 1.2 |
| Do | 100 mm, filter, menthol | 18 | 1.2 |
| King Sano | King size, filter | 6 | .3 |
| Do | King size, filter, menthol | 7 | .3 |
| Kool | Regular size, nonfilter, menthol | 20 | 1.2 |
| Do | King size, filter, menthol | 17 | 1.3 |
| Kool Milds | do | 13 | .9 |
| Kool | 100 mm, filter, menthol | 17 | 1.2 |
| L & M | King size, filter (hard pack) | 18 | 1.3 |
| Do | King size, filter | 19 | 1.3 |
| Do | 100 mm, filter | 19 | 1.4 |
| Do | 100 mm, filter, menthol | 19 | 1.3 |
| Lark | King size, filter | 17 | 1.2 |
| Do | 100 mm, filter | 19 | 1.3 |
| Life | do | 12 | .8 |
| Lucky Strike | Regular size, nonfilter | 28 | 1.7 |
| Lucky Filters | 100 mm, filter | 23 | 1.7 |
| Lucky Ten | King size, filter | 9 | .7 |
| Do | 100 mm, filter | 10 | .8 |

See footnotes at end of table.

*Tar [1] and nicotine [2] content of one-hundred twenty-eight (128) varieties of domestic cigarettes, Federal Trade Commission, March 1974*—Continued

| Brand | Type | TPM dry tar [1] (milligrams per cigarette) | Nicotine [2] (milligrams per cigarette) |
|---|---|---|---|
| Mapleton | King size, filter | 23 | 1.3 |
| Marlboro | King size, filter (hard pack) | 17 | 1.1 |
| Do | King size, filter | 18 | 1.2 |
| Do | King size, filter, menthol | 14 | .9 |
| Do | 100 mm, filter (hard pack) | 17 | 1.2 |
| Do | 100 mm, filter | 18 | 1.2 |
| Marlboro Lights | King size, filter | 13 | .9 |
| Marvels | King size, nonfilter | 24 | .9 |
| Do | King size, filter | 6 | .2 |
| Do | King size, filter, menthol | 4 | .2 |
| Montclair | do | 19 | 1.4 |
| Multifilter | King size, filter (plastic box) | 13 | .9 |
| Do | King size, filter, menthol (plastic box) | 12 | .9 |
| Newport | King size, filter (hard pack) | 18 | 1.2 |
| Do | King size, filter, menthol | 17 | 1.2 |
| Do | 100 mm, filter, menthol | 21 | 1.5 |
| Oasis | King size, filter, menthol | 19 | 1.3 |
| Old Gold Straights | Regular size, nonfilter | 20 | 1.3 |
| Do | King size, nonfilter | 24 | 1.5 |
| Old Gold Filters | King size, filter | 17 | 1.1 |
| Old Gold 100's | 100 mm, filter | 22 | 1.4 |
| Pall Mall | King size, nonfilter | 28 | 1.8 |
| Pall Mall Extra Mild | King size, filter (hard pack) | 10 | .7 |
| Do | King size, filter | 10 | .7 |
| Pall Mall | 100 mm, filter | 21 | 1.5 |
| Do | 100 mm, filter menthol | 17 | 1.3 |
| Parliament | King size, filter (hard pack) | 15 | .9 |
| Do | King size, filter | 15 | .9 |
| Parliament 100's | 100 mm, filter | 18 | 1.2 |
| Parliament | King size, charcoal filter (hard pack) | 16 | 1.0 |
| Do | King size, charcoal filter | 16 | 1.0 |
| Peter Stuyvesant | King size, filter | 19 | 1.4 |
| Do | 100 mm, filter | 20 | 1.4 |
| Philip Morris | Regular size, nonfilter | 22 | 1.4 |
| Philip Morris Commander | King size, nonfilter | 27 | 1.7 |
| Picayune | Regular size, nonfilter | 20 | 1.6 |
| Piedmont | do | 25 | 1.5 |
| Players | Regular size, nonfilter (hard wide pack) | 31 | 2.2 |
| Raleigh | King size, nonfilter | 24 | 1.5 |
| Do | King size, filter | 16 | 1.1 |
| Do | 100 mm, filter | 17 | 1.1 |
| Raleigh Extra Mild | King size, filter | 13 | .9 |
| Redford | do | 17 | 1.3 |
| St. Moritz | 100 mm, filter | 19 | 1.3 |
| Do | 100 mm, filter, menthol | 18 | 1.1 |
| Salem | King size, filter, menthol | 18 | 1.3 |
| Do | 100 mm, filter, menthol | 20 | 1.4 |
| Sano | Regular size, nonfilter | 16 | .5 |
| Silva Thins | 100 mm, filter | 17 | 1.2 |
| Do | 100 mm, filter, menthol | 16 | 1.2 |
| Spring 100's | do | 20 | 1.2 |
| Tareyton | King size, filter | 21 | 1.4 |
| Do | 100 mm, filter | 21 | 1.5 |
| Tempo | King size, filter | 12 | .9 |
| True | do | 11 | .7 |
| Do | King size, filter, menthol | 12 | .7 |
| Twist | 100 mm, filter, lemon/menthol | 17 | 1.3 |
| Vantage | King size, filter | 11 | .9 |
| Do | King size, filter, menthol | 11 | .9 |
| Viceroy | King size, filter | 16 | 1.1 |
| Do | 100 mm, filter | 17 | 1.2 |
| Viceroy Extra Mild | King size, filter | 13 | .8 |
| Virginia Slims | 100 mm, filter | 16 | 1.1 |
| Do | 100 mm, filter, menthol | 17 | 1.1 |
| Vogue (black) | King size, filter (hard wide pack) | 31 | 1.3 |
| Vogue (colors) | King size, filter (hard wide pack) | 22 | .9 |
| Winston | King size, filter (hard pack) | 20 | 1.3 |
| Do | King size, filter | 19 | 1.3 |
| Do | 100 mm, filter | 19 | 1.3 |
| Do | 100 mm, filter, menthol | 20 | 1.4 |

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C., only.

By direction of the Commission dated March 15, 1974.

[SEAL] CHARLES A. TOBIN,
*Secretary.*

[FR Doc.74-6658 Filed 3-22-74;8:45 am]

## INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

### LEWIS COAL CO. AND JACK COAL CO.

### Applications for Initial Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4230-000, LEWIS COAL COMPANY, A Mine, Dante Hollow, Mine ID No. 44 01843 0, Dante, Virginia.

(2) ICP Docket No. 4279-000, JACK COAL COMPANY, Mine No. 1, Mine ID No. 15 02296 0, Mallie, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., 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 April 9, 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

C. DONALD NAGLE,
*Vice Chairman,*
*Interim Compliance Panel.*

MARCH 20, 1974.

[FR Doc.74-6749 Filed 3-22-74;8:45 am]

## NATIONAL ENDOWMENT FOR THE HUMANITIES

### PUBLIC PROGRAMS PANEL

### Notice of Meetings

MARCH 14, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on April 4 and 5, 1974.

The purpose of the meeting is to review Museum Program applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
*Advisory Committee*
*Management Officer.*

[FR Doc.74-6760 Filed 3-22-74;8:45 am]

### PUBLIC PROGRAMS PANEL

### Notice of Meeting

MARCH 15, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet in Washington, D.C. on April 1 and 2, 1974.

The purpose of the meeting is to review Museum Program applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
*Advisory Committee Management Officer.*

[FR Doc.74–6754 Filed 3–22–74;8:45 am]

## OFFICE OF THE FEDERAL REGISTER

### SUBMISSION OF NEW AND SEPARATELY PUBLISHED MATERIAL FOR PUBLICATION

#### Guidelines for Prior Consultation

In order to control operating costs more effectively and to provide more efficient service to the Government and the public, the Office of the Federal Register urges Federal agencies to comply with the following guidelines. They deal with the publication in the FEDERAL REGISTER of bodies of material that is to be published separately as well as in the FEDERAL REGISTER.

(1) Whenever an agency acquires responsibility for publishing an extensive amount of new material in the FEDERAL REGISTER (whether by statute, Presidential directive, or otherwise), the agency should consult with the Office of the Federal Register while the material is being prepared and well in advance of submission for publication. In this consultation the Office of the Federal Register and the agency can set up a production schedule for the material and if necessary a FEDERAL REGISTER format.

(2) Whenever an agency submits material to the Government Printing Office for separate printing prior to FEDERAL REGISTER publication, the agency should inform its Government Printing Office representative that the material will also be published in the FEDERAL REGISTER. The intent to publish in the FEDERAL REGISTER can be indicated by a notation to that effect in the information portion of the Printing and Binding Requisition (Standard Form 1). This knowledge will enable the Government Printing Office to print the material in a form suitable also for FEDERAL REGISTER publication.

Compliance with these guidelines will give the Office of the Federal Register and the Government Printing Office the opportunity to coordinate typography, format, and distribution in accordance with legal requirements and the needs of the affected public. Thus, unnecessary duplication and waste will be avoided and the public interest served.

Dated: March 20, 1974.

FRED J. EMERY,
*Director of the Federal Register.*

[FR Doc.74–6759 Filed 3–22–74;8:45 am]

## OFFICE OF MANAGEMENT AND BUDGET

### CLEARANCE OF REPORTS

#### Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 20, 1974 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Local Cooperative Grain Elevator Survey (Oklahoma and Texas), Form ____, Single Time, Lowry, Local Co-op Elevator Managers in Oklahoma and Texas.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, Institutional Release of Federal Fund/Request for Additional Federal Funds Under the SEOG and/or CWS Programs, Form OE 1286, Occasional, Lowry, Institutions of Post-secondary Education participating in programs.

Application for CWS Grant for Students Who Reside in, But Attend Institutions Outside of American Samoa or Trust Territories of Pacific Islands, Form OE 1285, Annual, Lowry, Institutions of Post-education Participating in CWSP.

U.S. COMMISSION ON CIVIL RIGHTS

Commission on Civil Rights Information System Questionnaire, System Users Information Sources, Form CCR 95, Single Time, EGG/Sunderhauf/ISD, Public and Private Civil Rights Agencies.

REVISIONS

None.

EXTENSIONS

None.

PHILIP D. LARSEN,
*Budget and Management Officer.*

[FR Doc.74–6948 Filed 3–22–74;8:45 am]

## COST OF LIVING COUNCIL

### FOOD INDUSTRY WAGE AND SALARY COMMITTEE

#### Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, March 28, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 A.M., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C. on March 22, 1974.

JAMES A. WILKINSON,
*Deputy Executive Secretary, Cost of Living Council.*

[FR Doc.74–7034 Filed 3–22–74;11:44 am]

## VETERANS ADMINISTRATION

### ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

#### Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C., on April 3 and 4, 1974, at 9 am. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office (phone 202–389–5211) prior to April 3, 1974.

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. Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on April 4, 1974, due to the number of items on the agenda for the meeting.

Dated: March 19, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
*Deputy Administrator.*

[FR Doc.74–6778 Filed 3–22–74;8:45 am]

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[V–74–15]

### WEST BEND CO.

### Application for Variance

*Notice of application.* Notice is hereby given that The West Bend Company, 400 E. Washington Street, West Bend, Wisconsin 53095 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.252(c)(2)(iii) concerning locks and interlocks on resistance welding machines (non-portable).

The addresses of the places of employment that will be affected by the application are as follows:

The West Bend Company
400 E. Washington Street
West Bend, Wisconsin 53095

The West Bend Company
Sheridan Division
RFD #1
Sheridan, Arkansas 72150

The West Bend Company
Ogden Division
Weber Industrial Park
2700 North 1515 West
Ogden, Utah 84404

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(c)(2)(iii) which requires that all doors and access panels of non-portable resistance welding machines and control panels be kept locked and interlocked to prevent access, by unauthorized personnel, to live portions of the equipment.

The applicant utilizes non-portable resistance welding equipment in the manufacture of cookware and home comfort accessories. The applicant states that this equipment conforms to the N.E.C. and OSHA requirements with the exception of the interlock clause cited above. They also conform to ANSI Z49.1–1973 5.1.7.1 which calls for locks or interlocks. On all new equipment, the disconnect switch built into the control panel provides the interlock feature called for in 29 CFR 1910.252(c)(2)(iii). On models purchased prior to 1966, the disconnect switch is accessible to the operator and, therefore, mounted separate from the control panel. All control panels and access doors have been locked with specially keyed padlocks. The keys for these locks are accessible only to the qualified electricians who service the welding equipment.

Furthermore, all control panels and access doors have been marked as follows: "Danger High Voltage, Authorized Personnel Only." Through the above physical and administrative controls, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(c)(2)(iii).

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
P.O. Box 3588
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 309
Executive Building
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Room 303—Donaghey Building
103 E. 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 25, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 25, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 19th day of March, 1974.

JOHN STENDER,
*Assistant Secretary of Labor.*

[FR Doc.74–6758 Filed 3–22–74;8:45 am]

## INTERSTATE COMMERCE COMMISSION

[Notice No. 471]

### ASSIGNMENT OF HEARINGS

MARCH 20, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I&S No. 8911, Freight Forwarder Class Rates, Between Florida Various States, now assigned March 27, 1974, at Washington, D.C., is postponed to April 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now being assigned hearing May 6, 1974, at New York, N.Y., in a hearing room to be later designated.

MC–30530 Sub 11, North Eastern Motor Freight, Inc., is continued to March 25, 1974, at the Holiday Inn, Casper, Wyo.

MC 138227, Rodney H. Blackwell, Dba Miss-Lou Truck Line, now being assigned hearing July 8, 1974 (1 week), at Picayune, Miss., in a hearing room to be later designated.

MC–C–8077, Middle and Western Farms Cooperative Association, Northern Fruit Company, Ritcio Produce, Inc., Jack T. Baillie Co., Inc., Couture Farms, B. J. McAdams, James D. Pauly, Edward Farrington, James Wade, and William R. Crow, Jr.—Investigation of Operations and Practices—now assigned April 1, 1974, at Little Rock, Arkansas, is cancelled.

MC–74321 Sub 91, B. F. Walker, Inc., now being assigned hearings June 3, 1974 (2 weeks), at San Francisco, Calif., and June 17, 1974 (1 week) at Phoenix, Ariz., in hearing rooms to be later designated.

MC 95540 Sub-886, Watkins Motor Lines, Inc., and MC 107515 Sub-865, Refrigerated Transport Co., Inc., now being assigned June 3, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC–F–11852, Neylon Freight Lines, Inc.—Control—Merscheim Transfer, Inc., and MC 111231 Sub-182, Neylon Freight Lines, Inc., now being assigned June 10, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138256 Sub-2, Interior Transport, Inc., now being assigned June 17, 1974 (2 days), at Seattle, Washington, in a hearing room to be later designated.

MC 107012 Sub-182, North American Van Lines, Inc., now being assigned June 19, 1974 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 8948 Sub 106, Western Gillette, Inc., now assigned April 29, 1974, at Carson City, Nevada, will be held in Main Hearing Room, Nevada State Legislative Bldg.

MC–42487 Sub 817, Consolidated Freightways Corporation of Delaware, now assigned June 4, 1974, will be held in Kona Kai

Club & Inn, Shelter Island, San Diego, Calif.

W-381 Sub 18, Federal Barge Lines, Inc., now being assigned hearing June 3, 1974 (2 weeks), at St. Louis, Mo., in a hearing room to be later designated.

MC-113678 Sub 511, Curtis, Inc., application dismissed.

MC 77972 Sub 22, Merchants Truck Line, Inc., now assigned June 3, 1974, at Jackson, Miss., is cancelled and transferred to modified procedure.

MC-120981 Sub 15, Bestway Express, Inc., now being assigned hearing May 13, 1974 (1 week), at Charleston, West Virginia, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6802 Filed 3-22-74;8:45 am]

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[Notice No. 38]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 45544 (Sub-No. 4 TA), filed March 5, 1974. Applicant: SILVER LINE, INC., 196 Stanton Street, New York, N.Y. 10002. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, cut materials and trimmings, thread, and wearing apparel and materials* used in the manufacture and shipping of wearing apparel, between Wilkes-Barre, Pa., and West Pittston, Pa., on the one hand, and, on the other, West Deptford, N.J., for 180 days. SUPPORTING SHIPPER: C. F. Hathaway Company, 90 Park Avenue, New York, N.Y. 10016. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 66462 (Sub-No. 15 TA), filed March 4, 1974. Applicant: THE WILLETT COMPANY, 700 South Des Plaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, spent, liquid in bulk, in tank vehicles, from Burns Harbor, Ind., to points in Michigan, for 180 days. SUPPORTING SHIPPER: P. A. DeWitt, Industrial Engineer, Reiss Envirochem, Inc., 1011 South 8th Street, Sheboygan, Wis. 53081. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 82841 (Sub-No. 139 TA), filed March 1, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), *industrial, construction, excavating, and material-handling equipment;* and (2) *cabs, attachments, and parts* for (1) above, originating at the plantsites and storage facilities of J. I. Case Company at or near Burlington, Iowa, to points in Arizona, California, Nevada, Oregon, and Washington, for 180 days. SUPPORTING SHIPPER: J. I. Case Company, R. L. Henderson, Manager—Corporate Traffic, 700 State Street, Racine, Wis. 53404. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 110563 (Sub-No. 129 TA), filed March 1, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine and dairy products*, from the plant sites and warehouse facilities utilized by Land O'Lakes at or near Chicago, Ill., to points in Connecticut, Maine, Vermont, Massachusetts, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Land O' Lakes, Inc., 1325 W. 15th Street, Chicago, Ill. 60608. SEND PROTESTS TO: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113908 (Sub-No. 303 TA) (Amendment), filed February 14, 1974, published in the FR issue of March 5, 1974, and republished as amended this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Glenstone Station, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral and distilled spirits* and *alcohol*, in bulk, from Lake Alfred, Fla., to Rogers, Ark., Kansas City, Mo., Charlotte, N.C., Memphis, Tenn., and Houston, Tex., for 180 days.

NOTE.—The purpose of this republication is to indicate the amended commodity description. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114312 (Sub-No. 28 TA), filed March 4, 1974. Applicant: ABBOTT TRUCKING, INC., Box 74, Route 3, Delta, Ohio 43515. Applicant's representative: A Charles Tell, Columbus Center, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Chicago, Ill., to points in Michigan, for 180 days. SUPPORTING SHIPPER: Falstaff Brewing Corporation, 5050 Oakland Avenue, St. Louis, Mo. 63166. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 115651 (Sub-No. 22 TA), filed March 1, 1974. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: Robert D. Higgins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of the St. Paul Ammonia Products, Inc., at or near East Dubuque, Ill., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Kentucky, Michigan, Nebraska, Ohio, South Dakota, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, for 180 days. RESTRICTION: The operations authorized herein are restricted against tacking with any authority now held by carrier. SUPPORTING SHIPPER: St. Paul Ammonia Products, Inc., P.O. Box 418, So. St. Paul, Minn. 55075. SEND PROTESTS TO: District Supervisor Richard O. Chandler, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116073 (Sub-No. 292 TA), filed February 26, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th

Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government-owned trailers*, designed to be drawn by passenger automobiles, in secondary movements, from Wilkes-Barre and Mechanicsburg, Pa., to designated strategic storage areas in Forest Park, Ga., Richmond, Ky., Granite City, Ill., Greenville, Miss., and Ft. Wolters, Tex., for 180 days. SUPPORTING SHIPPER: Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116273 (Sub-No. 174 TA), filed March 1, 1974. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Charles T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from the plantsite of Foster Grant Company, Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Foster Grant Co., Inc., 289 N. Main Street, Leominster, Mass. 01453. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118831 (Sub-No. 110 TA), filed March 4, 1974. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Charlotte, N.C., to Chester, W. Va., for 180 days. SUPPORTING SHIPPER: The Celotex Corporation, 1500 N. Dale Mabry, Tampa, Fla. 33622. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118989 (Sub-No. 107 TA), filed March 4, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and parts* related thereto and *plastic articles*, from Addison, Ill., to points in Indiana, Kentucky, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: Container Corporation of America, 500 E. North Avenue, Carol Stream, Ill. 60187 (James R. Raudenbush, Central Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123670 (Sub-No. 13 TA), filed February 28, 1974. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, Mich. 48003. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Indianapolis, Ind., to Bridgeport, Imlay City, and Memphis, Mich., under a continuing contract with Vlasic Foods, Inc., for 150 days. SUPPORTING SHIPPER: Vlasic Foods, Inc., Plant Manager, 415 S. Blacks Corners Road, Imlay City, Mich. 48444. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 124054 (Sub-No. 3 TA), filed February 28, 1974. Applicant: MERLIN HERRMANN, 510 East Dodge Street, Luverne, Minn. 56156. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Livestock bunk feeders, poultry brooder stoves, poultry nests and cages, poultry and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment, pig feeding equipment, and fireplaces*, from the plantsite of the A. R. Wood Manufacturing Company, Luverne, Minn., to points in California, Maryland, Pennsylvania, Virginia, and Oklahoma; (b) *fireplace parts*, from the plantsite of the A. R. Wood Manufacturing Company, Santa Cruz, Calif., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn.; (c) *poultry, farrowing, and pig equipment and materials for the construction thereof*, from the plantsite of the A. R. Wood Manufacturing Company at Santa Cruz, Calif., and from the plantsite of the Swish Manufacturing and Sales Company at Ceres (near Modesto), Calif., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn.; and (d) *brooker bricks and pan feeders for chicken equipment*, from the plantsite of the Beacon Steel Products Company in Westminster, Md., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn., for 180 days. SUPPORTING SHIPPER: A. R. Wood Manufacturing Company, Box 218, Luverne, Minn. 56156. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 125358 (Sub-No. 15 TA), filed March 5, 1974. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* from Lima, Ohio, to port of entry on the United States-Canada International Boundary line at Pembina, N. Dak., with consignment to Winnipeg, Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Versatile Manufacturing, Ltd., 1260 Clarence Avenue, Winnipeg, Manitoba, Canada R3T 1T3. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 127115 (Sub-No. 7 TA), filed March 4, 1974. Applicant: MILLER'S TRANSPORT, INC., 510 West Fourth North Street, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam and cellular expanded plastics, rubber and related accessories*, from Santa Ana, Calif., to points in Utah and Idaho, for 180 days. SUPPORTING SHIPPER: Califoam Corporation, 16661 Von Karman, Santa Ana, Calif. 92705 (Mr. Hilton C. Schroder, Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 128356 (Sub-No. 5 TA), filed March 1, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Penn Center Plaza, 15th Street & J. F. Kennedy Boulevard, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers* (except for house trailers and trailers designed to be drawn by passenger auto), *containers, container chassis, chassis, and parts* thereof in truckaway service, in initial movement, and *used trailers* (except for house trailers and trailers designed to be drawn by passenger autos), *containers, container chassis, and chassis and parts* thereof in secondary movement, from plants of Bertolini Engineering Co. in Quarryville and Leesport, Pa., to Chicago, Ill.; Detroit, Mich.; Baltimore, Md.; Port Newark, Port Elizabeth, Secaucus, and Jersey City, N.J.; Brooklyn, N.Y.; Portsmouth, Newport News, and Norfolk, Va.; Cleveland, Ohio; Savannah, Ga.; Jacksonville, Fla.; and Milwaukee, Wis., in initial movement and from those destinations to said plants in Quarryville and Leesport, Pa., in seconday movement, for 180 days. SUPPORTING SHIPPER: Bertolini Engineering Co., Montgomeryville, Pa. 18936. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 129350 (Sub-No. 41 TA), filed February 26, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Sidney, Mont., and Billings, Mont.: From Sidney over Montana Highway 16 to junction U.S. Highway 10, thence over U.S. Highway 10 to Billings, Mont., and return over the same routes, serving all intermediate points and the off-route point of Horton, Mont.; (b) between Billings, Mont., and Wyola, Mont.: From Billings over U.S. Highway 87 to Wyola, Mont., and return over the same route, serving all intermediate points; and (c) between Glendive, Mont., and Brockway, Mont.: From Glendive over Montana Highways 200 and 200S to Brockway, Mont., and return over the same route, serving all intermediate points, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority at Billings, Forsyth, Glendive, Hardin, Miles City, Sidney, and Wyola, Mont., with Garrett Freightlines, Salt Creek, Consolidated Freightways, Ringsby United, B. N. Transport, Midwest Motor Express Contractor Freight Service, Baker Transfer, Willston Sidney Transfer, and Williston Scobey Transfer.

SUPPORTING SHIPPERS: There are approximately 27 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136640 (Sub-No. 8 TA) (Correction), filed January 31, 1974, published in the FR issue of February 20, 1974, and republished as corrected this issue. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings made from diced fresh onions* when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Act, from Boston, Mass., to points in Milford, Del.; Miami, Fla.; Atlanta, Macon, and Albany, Ga.; Chicago, Ill.; Indianapolis, Evansville, Jeffersonville and Seymour, Ind.; Paducah, Louisville, Owensboro, and Bowling Green, Ky.; Baton Rouge, Alexandria, and Lafayette, La.; Silver Spring, Frederick, Newington, and Hagerstown, Md.; Detroit, Flint, Warren, Ferndale, and Grand Rapids, Mich.; Jackson, Miss.; St. Joseph, Springfield, Joplin, Princeton, Kansas City, and Columbia, Mo.; Woodbridge, Jersey City, and Paterson, N.J.; Liverpool, Elmira, Rochester, Buffalo, Jamestown, Yorkville, Utica, Brooklyn, Albany, Schenectady, Jamaica, Great Neck, N.Y.; Rocky Mount, Charlotte, Raleigh, Winston-Salem, Washington, Hickory, and Ahoskie, N.C.; Philadelphia, York, Pittsburgh, and Spring House, Pa.; Cincinnati, Cleveland, and Bellefontine, Ohio; Columbia, Waltersboro, and Dillon, S.C.; Nashville and Gallatin, Tenn.; Lubbock, Victoria, Corpus Christi, Sulphur Springs, Lufkin, Galveston, Burnet, San Antonio, and Austin, Tex.; Richmond, Rich Creek, Bristol, Tazewell, Bedford, Harrisburg, Kenbridge, and Lexington, Va.; and Charleston, Beckley, Parkersburg, W. Va., for 180 days.

NOTE: The purpose of this republication is to indicate Columbia, S.C., as a destination point. SUPPORTING SHIPPER: William M. Trilling, President, Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 136818 (Sub-No. 3 TA), filed February 26, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 312, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel and flattened automobile bodies*, from points in Colorado, Utah, New Mexico, and Arizona to points in Arizona, Utah, Nevada, and California, for 180 days. SUPPORTING SHIPPER: Auto Recyclers Corp., 234 Columbine Street, Denver, Colo. 80206. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 139531 (Sub-No. 1 TA), filed March 5, 1974. Applicant: PEPLOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic products*, in bulk, in dump vehicles, from Toledo, Ohio, to ports of entry on the International Boundary line between the United States and Canada at the Niagara, Detroit, and St. Clair Rivers, restricted to traffic in foreign commerce, originating at or destined to the plantsites or storage facilities of Foseco Canada Limited, in the City of Guelph, Ontario, Canada, for 180 days. SUPPORTING SHIPPER: Foseco Canada Limited, Guelph, Ontario, Canada. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139535 (Sub-No. 1 TA), filed February 26, 1974. Applicant: ERICKSON CONSTRUCTION LTD., 711 4th Avenue North, Lethbridge, Alberta, Canada T1J 3Y3. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces;* (2) *air conditioning units;* and (3) *parts* used in the manufacture, assembly or servicing of commodities described in (1) and (2) above, when moving with such commodities, from Wichita, Kans., to the International Boundary line between the United States and Canada at or near the port of entry of Sweetgrass, Mont., under a continuing contract or contracts with the Canadian Coleman Company, Limited, of Toronto, Canada, for 180 days. SUPPORTING SHIPPER: The Canadian Coleman Company, Limited, 1201 45th Avenue NE., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139539 (Sub-No. 1 TA), filed March 5, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), and Ohio, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139555 (Sub-No. 1 TA), filed March 5, 1974. Applicant: MODULAR TRANSPORTATION CO., 421 West Fulton Street, Grand Rapids, Mich. 49502. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) and *trailer converter dollies and containers*; (1) from the plant site of Fruehauf Corporation at or near Milan, Mich., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (2) from the plant site of Fruehauf Corporation at or near Fort Madison, Iowa, to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (3) from the plant site of Fruehauf Corporation at or near

Fort Wayne, Ind., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (4) from the plant site of Fruehauf Corporation at or near Uniontown, Pa., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; and (5) in secondary movements, between various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Fruehauf Corporation, 10940 Harper Avenue, Detroit, Mich. 48232. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139557 (Sub-No. 1 TA), filed March 4, 1974. Applicant: ROBERT S. BROWN, doing business as BROWN TRUCKING, R. R. #6, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, buttermilk, flavored milk, cottage cheese, cheese, dips, butter, cream, ice cream mix, fruit juices, sour cream, and dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, in mechanically refrigerated vehicles, from Olney, Ill., to Vincennes, Princeton, Evansville, Mount Vernon, Sullivan, Terre Haute, Clinton, LaFayette, and Loogootee, Ind., for the account of Prairie Farms Dairy, Inc., for 180 days. SUPPORTING SHIPPER: Roger Taylor, Plant Manager, Prairie Farms Dairy, Inc., West Main Street, Olney, Ill. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Lelana Office Building, 527 East Capitol Avenue, Room 414 Springfield, Ill. 62701.

WATER CARRIER APPLICATION

No. W-723 (Sub-No. 4 TA), filed March 1, 1974. Applicant: PATTON-TULLY TRANSPORTATION COMPANY, 1252 No. 2nd, P.O. Box 28, Memphis, Tenn. 38101. Applicant's representative: John W. Slater, Jr., Suite 705, Union Planters Bank Building, Memphis, Tenn. 38103. Applicant, PATTON-TULLY TRANSPORTATION COMPANY, presently holds authority to operate as a *contract carrier by water* under a permit issued July 15, 1948, in Docket Number W-723, as follows: The Patton-Tully Transportation Company is hereby, authorized to continue operations as a *contract carrier by water*, in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels in the transportation of *forest products*, and by towing vessels in the towage of *forest products* between ports and points along the Mississippi River from St. Louis, Mo., to Vidalia, La., and Natchez, Miss., inclusive; and (2) at Memphis, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of *boats*, without crews, to persons dealing in or engaged in the production of *lumber and forest products* for use by such persons in the transportation of their own property, subject, however, to such terms, conditions and limitations as are now, or may hereinafter be, attached to the exercise of such authority by this Commission. By its present application, the applicant requests that the Commission extend the southern boundry of its present permit from Vidalia, La., and Natchez, Miss., to the St. Francisville Paper Company Mill, St. Francisville, La., and to amend its permit to read as follows: The Patton-Tully Transportation Company is hereby authorized to continue operations as a *contract carrier by water*, in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels in the transportation of *forest products*, and by towing vessels in the towage of *forest products* between ports and points along the Mississippi River from St. Louis, Mo., to the St. Francisville Paper Company Mill, St. Francisville, La., inclusive; and (2) at Memphis, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of towing vessels, non-self-propelled *barges, and derrick boats*, without crews, to persons dealing in or engaged in the production of *lumber and forest products*, for use by such persons in the transportation of their own property, subject, however, to such terms, conditions, and limitations as are now, or may hereinafter be, attached to the exercise of such authority by this Commission, for 180 days. SUPPORTING SHIPPER: Crown Zellerbach Corporation, One Bush Street, Room 926, San Francisco, Calif. 94119. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6804 Filed 3-22-74;8:45 am]

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[Notice No. 39]

## MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 138358 (Sub-No. 2 TA), filed March 5, 1974. Applicant: MIDWEST FEED TRANSPORT, INC., 805 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Spencer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsite of Minnesota Linseed Co. at or near Minneapolis, Minn., to Con-Agra at Omaha and Albion, Nebr. and Sioux City, Iowa, for 180 days. SUPPORTING SHIPPER: Con-Agra, Inc., Billy J. Milbert, Traffic Manager, Great Plains Region, 3801 Harney Street, Omaha, Nebr. SEND PROTEST TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 107403 (Sub-No. 887 TA), filed March 5, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Pekin, Ill. to Vicksburg, Miss.; Owensboro, Ky.; Murfreesboro, Tenn.; and Durham, N.C., for 180 days. SUPPORTING SHIPPER: Aldo L. Monti, General Traffic Manager, The American Distilling Company, South Front Street, Pekin, Ill. 61554. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 888 TA), filed March 6, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Oswego and East Syracuse, N.Y. to points in Delaware, Maryland, New Jersey, and Pennsylvania, restricted to traffic having a prior movement by rail or water, for 180 days. SUPPORTING SHIPPER: Robert J. Fowlie, Distribution Manager, Northeast Cement

Co., Inc., State Tower Building, Syracuse, N.Y. 13202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 139567 (Sub-No. 1 TA), filed March 1, 1974. Applicant: BIG W TRANS, INC., 46 Fountain Street, Ashland, Mass. 01721. Applicant's representative: Robert P. Winterhaulter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*. Between Woonsocket, R.I., via Route 126 to Bellingham, Mass.; via Route 140 to Franklin, Hopedale and Milford, Mass.; via Routes 16 and 85 to Hopedale and Hopkinton, Mass.; via Route 135 to Ashland and Framingham, Mass.; via Route 126 and 16 to Holliston and Milford, Mass., and return over the same routes, for 180 days. SUPPORTING SHIPPER: Rockwell International, Hopedale St., Hopedale, Mass. SEND PROTESTS TO: Darrel W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 139578 TA filed March 6, 1974. Applicant: MELVIN LEVINE, doing business as AERO LIMOUSINE, 536–546 N. Front Street, Allentown, Pa. 18102. Applicant's representative: S. Maxwell Flitter, 151 S. Seventh Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, between points in Northampton and Lehigh Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, for 180 days. SUPPORTING SHIPPERS: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 136786 (Sub-No. 48 TA) filed March 4, 1974. Applicant: ROBCO TRANSPORTATION, INC., Room 205, 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, iron or steel* (except those which because of size or weight require special equipment or handling) from Charlotte, N.C. to Jefferson, Iowa, for 150 days. SUPPORTING SHIPPER: Franklin Manufacturing Co., 600 Stockdale Street, Webster City, Iowa. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 139576 TA filed March 4, 1974. Applicant: YUKON FREIGHT LINES, LTD., Alaska Highway, Mile 918.5, Box 4248, Whitehorse, Yukon Territory, Canada. Applicant's representative: Gordie Gee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from a point at or near Alaska Highway Miles #1281 and #1414 to the International Boundary line between the United States and Canada at or near Milepost #1221. RESTRICTION: Freight destined to Edmonton, Alberta, Canada, for 180 days. SUPPORTING SHIPPER: P. J. Sales and Rentals, Ltd., 5203 76th Avenue, Edmonton, Alberta, Canada. SEND PROTESTS TO: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 123993 (Sub-No. 33 TA), filed March 4, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Texas City, Tex. to points in Louisiana, for 180 days. SUPPORTING SHIPPER: Red Barn Chemicals, Traffic Coordinator C. D. Owen, P.O. Box 141, Tulsa, Okla. 74102. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133276 (Sub-No. 12 TA), filed March 7, 1974. Applicant: BERRY TRANSPORT, INC., 11895 S. W. Cheshire, Beaverton, Oreg. 97005. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 S.W. Alder Street, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in seagoing cargo containers, between ports of entry located in Oregon and Washington, on the one hand, and, on the other, points in Oregon and Washington, restricted to the transportation of shipments having a prior or subsequent movement by water through the ports, and *empty sea-going cargo containers* between points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: American Main Line, 522 Pacific Building, Portland, Oreg. 97204; General Steamship Corporation, Ltd., 421 S.W. Sixth Avenue, Portland, Oreg. 97204; J. T. Steeb and Co., Inc., 415 Oregon Pioneer Building, Portland, Oreg. 97204; Port of Portland, P.O. Box 3529, Portland, Oreg. 97208. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 118142 (Sub-No. 63 TA), filed March 5, 1974. Applicant: M. BRUENGER AND CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and pizza ingredients and such commodities* as are used in the manufacturing of pizzas, from the plant site and warehouse of Doskocil Sausage Company at or near Hutchinson, Kans., to points in Georgia and Florida, for 180 days. SUPPORTING SHIPPER: Doskocil Sausage Company, 9 North Main, South Hutchinson, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138627 (Sub-No. 4 TA), filed March 7, 1974. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles* (1) from points in Iowa to Alton, Illinois; and (2) from points in Nebraska to Minneapolis and St. Paul, Minnesota; Alton, South Beloit, and Chicago, Ill.; Pueblo and Denver, Colo.; and Kansas City, Mo., and their respective commercial zones, for 180 days. SUPPORTING SHIPPER: Acme Transfer, Inc., Box 404, Fort Dodge, Iowa 50501. SEND PROTESTS TO: Transportation Specialist, Herbert, W. Allen, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 115860 (Sub-No. 4 TA), filed March 5, 1974. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: Attorneys John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (except cement), from points in El Paso and Teller Counties, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Calco, Inc., P.O. Box 816, Colorado Springs, Colo. 80901. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115860 (Sub-No. 5 TA), filed March 5, 1974. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 50533. Applicant's representative: Attorneys John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems, parts and supplies*, from points in El Paso County, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Enresco, Inc., P.O. Box 7406, Colorado Springs, Colo. 80933. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114457 (Sub-No. 186 TA), filed March 7, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell, 780 N. Prior Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper machine rolls*, from Brainerd and Cloquet, Minn., to Appleton, Green Bay, and Neenah, Wisc., for 180 days. SUPPORTING SHIPPER: Potlatch Corp., Northwest Paper Division, Cloquet, Minn. 55720. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118989 (Sub-No. 108 TA), filed March 6, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers (bottles) and incidental parts* thereof, from Burlington, Wis., to Jacksonville, Danville, Lincoln, Chicago, and Peoria, Ill., for 180 days. SUPPORTING SHIPPER: Continental Can Co., Inc., Plastic Container Division, 633 Third Avenue, New York, N.Y. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC-115181 (Sub-No. 30 TA), filed March 7, 1974. Applicant: HAROLD M. FELTY, INC., R.D. #1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, Esq., 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic plant food* in dry bulk, bags and packages, from points in the District of Columbia to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. SUPPORTING SHIPPER: Organic Recycling, Inc., 967 South Matlack Street, West Chester, Pa. 19380. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD,
*Secretary.*

[FR Doc.74-6803 Filed 3-22-74;8:45 am]

## MOTOR CARRIERS OF PROPERTY

### Accounting and Reporting for Emergency Fuel Surcharge and Adjustment of Compensation for Equipment Leased

MARCH 19, 1974.

Recently the Commission issued two decisions in its efforts to alleviate the financial impact of rising fuel prices on motor carriers of property and certain lessors of equipment to motor carriers. These decisions affect amounts collected by carriers from shippers and amounts paid by carriers for leased equipment where the lessor supplies the fuel. Questions as to proper accounting have resulted from the orders concerning these additional receipts and payments.

Special Permission No. 74-2525, "Emergency Fuel Surcharge for Line-Haul Transportation Charges & Other Charges—Motor Common Carriers", authorizes the increase in freight rates up to 6 percent by supplementing the affected tariffs. Inasmuch as this surcharge becomes a part of the published tariffs and is designed to increase revenues, it should be considered revenue and credited to the appropriate revenue account. The nature of the increase as revenue is not altered by the fact that the surcharge may only be justified by higher fuel costs or might be subsequently passed through to owner-operators, agents, etc.

Correspondingly, the fuel charge adjustment paid to lessors under Ex Parte No. 43 (Sub-No. 2), "Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs", should be treated as an additional cost of purchased transportation and charged along with rentals to the appropriate expense accounts.

In order that the Commission can evaluate the effects of these decisions, it will be necessary to augment data presently available from the system of accounts by segregating the following: (1) Amounts received under Special Permission No. 74-2525, (2) amounts paid pursuant to Ex Parte No. 43 (Sub-No. 2), and (3) number of gallons of fuel consumed. This information shall be enclosed in the quarterly and annual reports in the form of a footnote or an attachment along with fuel expense (accounts 4510/6110) and fuel tax expense (accounts 4710/8450 and 4760/8440).

Also, the necessary supporting documentation shall be maintained and available for inspection by authorized Commission representatives.

[SEAL] JOHN A. GRADY,
*Director.*

[FR Doc.74-6805 Filed 3-22-74;8:45 am]

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